

I have attached three photos of soybean fields I have inspected in 2020- two from Arkansas and one from South Dakota. I have also attached a photo of a sycamore tree and one of a ginkgo tree.

I have travelled extensively throughout Arkansas, Missouri, West TN, Iowa and South Dakota this summer and the soybean photos are very representative of what happened to any farmer who had the audacity to try to grow any soybeans other than Xtend. Why are these farmers not receiving equal consideration- compared to those who want the Xtend technology- in the registration process? For a farmer to not have the right to grow anything he chooses without the fear of chemical trespass- is simply wrong. Some say things are getting better as complaint numbers are down. In Arkansas we have over 200 alleged dicamba complaints, down from nearly 1000 in 2017. Does that make 200 good? Two hundred complaints on a single herbicide would have been unheard of prior to Xtend crops. Also most all of our dicamba applications occurred after the May 25 cutoff so farmers are simply giving the middle finger to regulations. I observed the same in SD. In SD the state will not send an inspector out unless the complainant names the perpetrator. They won't go look but claim they have less complaints than last year. Go figure. The MO Department of AG won't respond to a dicamba complaint so sure their numbers are down. In addition many growers have surrendered to the company marketing model, defensive planting, and that has helped soybean complaint numbers. Does this make it right. Many folks just don't complain because nothing ever comes of it.

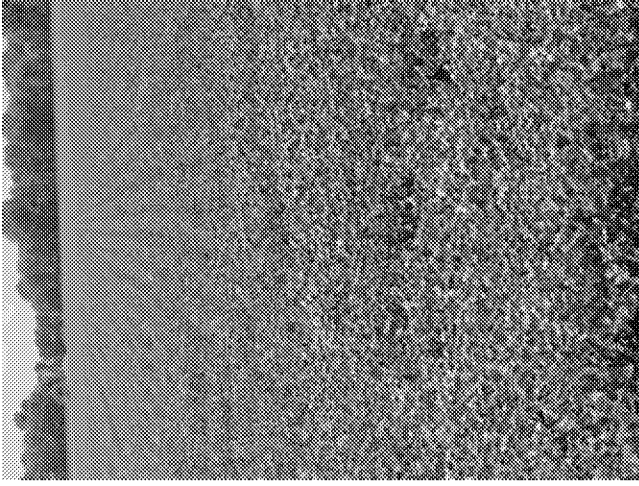
You will note in the photos I sent there are no drift patterns. The field in the first photo is one of 1400 acres that were perfectly uniform in damage. That is simply caused by atmospheric loading of dicamba volatiles. There was not a direct potential dicamba source within line of sight of any field. I found the same thing in SD. Also up I-29 from the bottom to top of Iowa you can pick out every Xtend and non-Xtend field at Interstate speed limits.

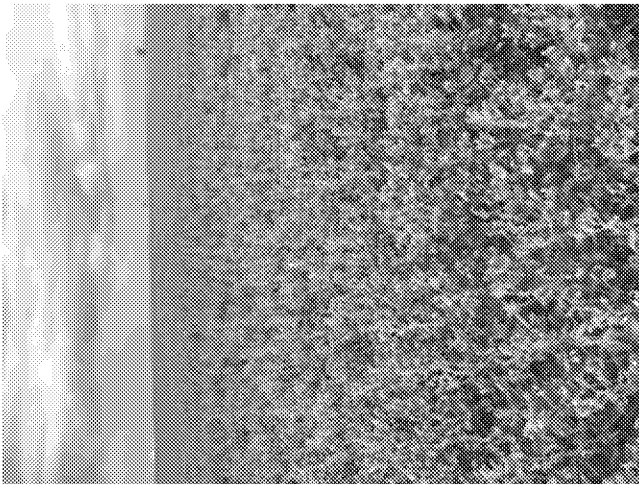
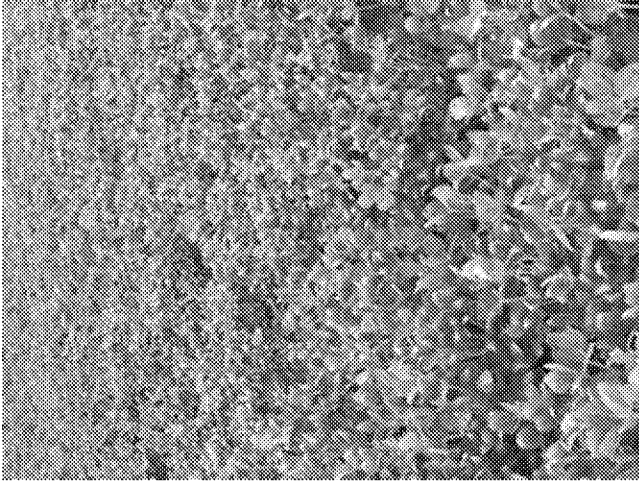
The sycamore tree photo wasn't near a dicamba application. I have observed them all over the Mississippi River Delta and all the way to Kankakee IL. If they are anywhere, including the middle of towns in the in-crop use areas, that is what they look like. That is only one example. Many other species including oaks, cypress, ornamentals and fruit trees are being damaged. The ginkgo tree was on a University Experiment Station. Anyone who is involved in the registration decision should be required to take a driving tour of the MO bootheel and just look at the trees- in towns and throughout the countryside. They look terrible as most have been hit multiple times over several years.

I was a causation expert in the Bader Farms peach trial. As a result I have seen many of the company registration documents and the entire process was a joke. Now they propose to send some more Vapor Grip (vinegar) with the Xtendimax for the applicator to dump in the tank and call it a fix. How much more verified in field use data and information do they have to support this being a fix? Furthermore we know the addition of glyphosate to the tank with dicamba dramatically increases volatility yet they continue to promote it. Now they want to register glufosinate-ammonium with dicamba for use in XtendFlex. That alone tells me they aren't serious about reducing or eliminating volatility. Nothing they have told the Agency about off target movement has been right yet. Science simply does not support any of the current dicamba formulations being registered for in-crop use. Until a completely non-volatile formulation of dicamba is developed, this herbicide simply will not stay on target.

I realize the entire dicamba situation is complex. Like you, I have been embroiled in the middle of it for several years. It is the most divisive herbicide technology ever in my 46 years as a weed scientist. There are three categories of soybean farmers: those who want the technology; those who have been forced to plant it defensively for economic survival; and those who want to plant other technologies for very sound reasons. There are also homeowners and growers of other crops being negatively affected. It appears that only those that wish to use the Xtend technology have been considered. In reality, they have options to use other technologies. Those being negatively impacted by dicamba are innocent bystanders. I encourage the agency to give equal consideration to all parties involved in the upcoming registration decision.

Sincerely, Ford Baldwin Ph.D





Sent from my iPhone

Message

From: Messina, Edward [Messina.Edward@epa.gov]
Sent: 9/16/2020 1:47:03 PM
To: Cyran, Carissa [Cyran.Carissa@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]
CC: Siedschlag, Gregory [Siedschlag.Gregory@epa.gov]; Overbey, Dian [Overbey.Dian@epa.gov]; Dinkins, Darlene [Dinkins.Darlene@epa.gov]
Subject: RE: OPP IO REVIEW: Dicamba Desk Statement

Yes.

Ed Messina, Esq.
Acting Office Director
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
p: (703) 347-0209

From: Cyran, Carissa <Cyran.Carissa@epa.gov>
Sent: Wednesday, September 16, 2020 9:45 AM
To: Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>
Cc: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Overbey, Dian <Overbey.Dian@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: Re: OPP IO REVIEW: Dicamba Desk Statement

Good morning,

OCSPP IO comms (Allison) has requested we pull together a desk statement. Are you ok with us sending forward the language you sent to R8 as our desk statement?

From: Messina, Edward <Messina.Edward@epa.gov>
Sent: Tuesday, September 15, 2020 7:00 PM
To: Cyran, Carissa <Cyran.Carissa@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>
Cc: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Overbey, Dian <Overbey.Dian@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: RE: OPP IO REVIEW: Dicamba Desk Statement

Why is this needed now? Needs language on the EPA Order. Here is what I sent to Region 8.

- EPA is currently reviewing applications for registration from Bayer CropScience and BASF for new registrations of dicamba-based herbicides for over-the-top application for post-emergent use on genetically modified, dicamba-tolerant ("DT") soybeans and cotton. Similarly, EPA is also reviewing an application from Syngenta to remove or revise the expiration of its registration for an over-the-top application onto DT soybeans and cotton to allow its use in the 2021 growing season. EPA expects to announce its decisions on whether to register/renew the products by the end of October.

EPA will have to determine, based on new studies, data and proposed labels, whether the registration applications are sufficient to overcome the deficits identified by the Ninth Circuit in vacating the previous Bayer and BASF registrations.

Background

On June 3, 2020, the Ninth Circuit Court of Appeals issued an order vacating EPA's pesticide registrations containing the active ingredient dicamba: Xtendimax with Vaporgrip Technology (Bayer product with former EPA Reg. No. 524-617); Engenia – (BASF product with former EPA Reg. No. 7969-345); and FeXapan – (Dupont/Corteva product with former EPA Reg. No. 352-913). These three registrations had been conditional and would have expired in late 2020.

On June 8, 2020, EPA issued a cancellation order providing farmers and distributors with needed clarity following the Ninth Circuit's decision. The order outlined limited and specific circumstances under which existing stocks of the three affected dicamba products could be distributed and used, through July 31, 2020.

Bayer and BASF have submitted applications for new registrations, but to date, Corteva has not. The registration for Syngenta's product Tavium (EPA Reg. No. 100-1623) was not vacated by the court but still expires in late 2020.

The Ninth Circuit found that EPA had made multiple errors in granting the conditional registrations: substantially understating the risks it acknowledged and entirely failing to acknowledge other risks.

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Subject: OPP IO REVIEW: Dicamba Desk Statement

Hello Ed,

Attached for your review is a dicamba desk statement regarding the Ninth Circuit Court decision. Please note, this is the same language I sent you on Friday in response to the list of questions from R8. OCSPS IO has now asked for a desk statement.

Thank you,

Carissa

Carissa Cyran

Acting Team Leader, Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
Phone: (703) 347-8619

(Pronouns: she/her/hers)

Message

From: Messina, Edward [Messina.Edward@epa.gov]
Sent: 8/24/2020 4:16:32 PM
To: Dinkins, Darlene [Dinkins.Darlene@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]
Subject: RE: Rep. Kinzinger meeting - Dicamba

Great.

Ed Messina, Esq.
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From: Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Sent: Monday, August 24, 2020 12:09 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Subject: RE: Rep. Kinzinger meeting - Dicamba

Thanks Mike. I'll send a clean version to Melissa.

Darlene Dinkins
Office of Pesticide Programs
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From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Monday, August 24, 2020 11:50 AM
To: Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
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OK with me – thanks

Michael L. Goodis, P.E.
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I incorporated Mike's points in this version of the dicamba 1-pager for the R5 RA dicamba meeting with Rep. Kinzinger this week.

Please let me know if this is ok to send back to Melissa. Thanks.

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I think this addresses Rick's comments (first two bullets from Alex briefing slides – I added the third)

- June 3, 2020: the United States Court of Appeals for the 9th Circuit Court ruled that EPA's approval of three dicamba products (XtendiMax- Bayer, Engenia - BASF and FeXapan - Corteva) for OTT use on genetically modified soybeans and cotton be vacated immediately.
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Darlene - on Monday, please incorporate these bullets in this paper and the 1-pager for the Administrator's briefing (since it is mostly covering the same information). Also Melissa had a comment/edit on this paper in a previous email.

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- A discussion of the action we took subsequent to the Court's ruling?

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Thanks, Darlene. I have a few comments/questions – see attached. Does this need to go to Alex?

From: Dinkins, Darlene <Dinkins.Darlene@epa.gov>

Sent: Friday, August 21, 2020 4:46 PM

To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Grable, Melissa <Grable.Melissa@epa.gov>

Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Washam, Todd <Washam.Todd@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>

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Melissa and Sven,

We prepared the attached backgrounder for the R5 RA dicamba meeting with Rep. Kinzinger next week. Please let us know if you need any additional information. Thanks.

Darlene Dinkins

Office of Pesticide Programs

U.S. Environmental Protection Agency

(703) 305-5214

From: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>

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Dicamba team – the R5 RA is meeting with Rep. Kinzinger (IL) next Weds, Aug 26. Dicamba may come up and the region asks if there is a desk statement or talking points on dicamba we can share with the RA. In addition to any existing background information that may be available, perhaps we can suggest something along the lines of:

Following the court ordered cancellation of dicamba's registration in June 2020, EPA is in contact with registrants and grower groups regarding dicamba's use in 2021, with a decision expected in late fall.

Please let me know what we can tell R5 and if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

Message

From: Dinkins, Darlene [Dinkins.Darlene@epa.gov]
Sent: 8/24/2020 4:09:29 PM
To: Goodis, Michael [Goodis.Michael@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]
Subject: RE: Rep. Kinzinger meeting - Dicamba
Attachments: Dicamba_8.21.20_mmg.docx

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Sent: 9/11/2020 9:41:00 PM
To: Cyran, Carissa [Cyran.Carissa@epa.gov]
CC: Dinkins, Darlene [Dinkins.Darlene@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]; Herndon, George [Herndon.George@epa.gov]; Siedschlag, Gregory [Siedschlag.Gregory@epa.gov]
Subject: RE: Couple of quick questions

Perfect Thanks.

Ed Messina, Esq.
Acting Office Director
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
p: (703) 347-0209

From: Cyran, Carissa <Cyran.Carissa@epa.gov>
Sent: Friday, September 11, 2020 5:23 PM
To: Messina, Edward <Messina.Edward@epa.gov>
Cc: Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; Herndon, George <Herndon.George@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>
Subject: Re: Couple of quick questions

Hi Ed,

Below are responses to each topic. Please note that the dicamba desk statement was just drafted by RD today and has not been seen by OCSPP IO. Please let me know if you need any additional information.

Thank you,

Carissa

- Dicamba – We have been informed that they will be asked question on live radio about this topic next week. I wanted to check in and see if we can get the most recent desk statement or if the best info to speak from is still the press releases.
- **RESPONSE: Please note this was just drafted by RD, OCSPP IO has not seen it.** EPA is currently reviewing applications for registration from Bayer CropScience and BASF for new registrations of dicamba-based herbicides for over-the-top application for post-emergent use on genetically modified, dicamba-tolerant ("DT") soybeans and cotton. Similarly, EPA is also reviewing an application from Syngenta to remove or revise the expiration of its registration for an over-the-top application onto DT soybeans and cotton to allow its use in the 2021 growing season. EPA expects to announce its decisions on whether to register/renew the products by the end of October.

EPA will have to determine, based on new studies, data and proposed labels, whether the registration applications are sufficient to overcome the deficits identified by the Ninth Circuit in vacating the

previous Bayer and BASF registrations.

Background

On June 3, 2020, the Ninth Circuit Court of Appeals issued an order vacating EPA's pesticide registrations containing the active ingredient dicamba: Xtendimax with Vaporgrip Technology (Bayer product with former EPA Reg. No. 524-617); Engenia – (BASF product with former EPA Reg. No. 7969-345); and FeXapan – (Dupont/Corteva product with former EPA Reg. No. 352-913). These three registrations had been conditional and would have expired in late 2020.

Bayer and BASF have submitted applications for new registrations, but to date, Corteva has not. The registration for Syngenta's product Tavium (EPA Reg. No. 100-1623) was not vacated by the court but still expires in late 2020.

The Ninth Circuit found that EPA had made multiple errors in granting the conditional registrations: substantially understating the risks it acknowledged and entirely failing to acknowledge other risks.

- The last info I saw about Plant Regulators and Biostimulants proposed guidance was that the comment period closed in July 2019. Are we still reviewing feedback? Or did we do a soft release and I missed something? Do we plan to announce anything related to this while Carrie and Greg (R8 RA) are in ND next week?
 - **RESPONSE:** EPA will be releasing a revised draft biostimulants guidance for public comment based on input received during the comment period earlier this year.
- Are there 36 EPA registered products for hemp? I know our website is in the process of being updated but I keep seeing this # in news articles and I wanted to know if it was true.
 - **RESPONSE:** 46
- Regarding the WPS proposed AEZ revision, the last briefing paper I saw on this was that we were targeting Sept 2020 for finalization of the AEZ changes. Is that still the case? If not, are we thinking fall 2020? Winter 2020? Something entirely different?
 - **RESPONSE:** Please note timing has not been made public. The AEZ final rule was submitted to OMB for Executive Order 12866 Regulatory Review on July 31, 2020 (<https://www.reginfo.gov/public/do/eoDetails?rrid=130951>), and will be undergoing review up to 90 days. EPA anticipates publication in the Federal Register this fall. The final rule will go into effect 60 days after publication.
- Do you have recent talking points or desk statement related to the COVID-19 and C&T memo below? Carrie and Greg are meeting with ND Ag Commissioner Doug Goehring. I want to make sure we are communicating how you want on this topic. https://www.epa.gov/sites/production/files/2020-07/documents/covid-19-ocsp-pesticide-ct-statement_2020-07-27.pdf .
 - **RESPONSE:** In July 2020, EPA released temporary guidance regarding the certification of pesticide applicators of restricted use pesticides that offers flexibility during the COVID-19 public health emergency. The Agency is aware that state, tribal and federal certifying authorities may need to make temporary changes to their existing pesticide applicator certification programs during this time. Given the evolving circumstances and the urgency involved, EPA determined that certain temporary changes to their programs should be preapproved and may be implemented provided that they are not likely to significantly diminish applicator competence or undermine future certification activities and all conditions are met. There are conditions in order to make the changes, and a state would need to notify EPA of the changes by Dec. 31, 2020, as part of the annual reporting for their certification program.

Changes are

- effective until no later than Dec. 31, 2021.
- revocable up to 90 days.
- consistent with pesticide labeling and 40 CFR 171.

Changes may not

- significantly diminish applicator competency.
- undermine future certification activities.

No pre-approval required if conditions met but SLAs must notify EPA in annual report due Dec. 31, 2020. *(See guidance for information to report.)*

As an FYI, since release of the memo, HQ (OPP) has had meetings with co-regulators/state partners: AAPSE, AAPCO BOD, PREP for the state enforcement - where we generally went over the memo and answered questions.

More info and full policy linked here: <https://www.epa.gov/pesticides/epa-releases-temporary-guidance-regarding-certification-pesticide-applicators-during>

From: Messina, Edward <Messina.Edward@epa.gov>

Sent: Thursday, September 10, 2020 1:38 PM

To: Cyran, Carissa <Cyran.Carissa@epa.gov>

Cc: Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Layne, Arnold <Layne.Arnold@epa.gov>; OPP Division Directors <OPP_Division_Directors@epa.gov>; Herndon, George <Herndon.George@epa.gov>

Subject: FW: Couple of quick questions

Carissa,

Can FEAD help coordinate some quick responses to these questions?

Ed Messina, Esq.
Acting Office Director
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency

Washington, D.C.
p: (703) 347-0209

From: Perrin, Rebecca <Perrin.Rebecca@epa.gov>
Sent: Thursday, September 10, 2020 1:31 PM
To: Messina, Edward <Messina.Edward@epa.gov>
Cc: Striegel, Megan <Striegel.Megan@epa.gov>
Subject: Couple of quick questions
Importance: High

Ed,

I apologize for the last minute nature of this request but I have a few questions I needed some clarification on so Greg and Carrie know the most recent status on these items.

- Dicamba – We have been informed that they will be asked question on live radio about this topic next week. I wanted to check in and see if we can get the most recent desk statement or if the best info to speak from is still the press releases.
- The last info I saw about Plant Regulators and Biostimulants proposed guidance was that the comment period closed in July 2019. Are we still reviewing feedback? Or did we do a soft release and I missed something? Do we plan to announce anything related to this while Carrie and Greg (R8 RA) are in ND next week?
- Are there 36 EPA registered products for hemp? I know our website is in the process of being updated but I keep seeing this # in news articles and I wanted to know if it was true.
- Regarding the WPS proposed AEZ revision, the last briefing paper I saw on this was that we were targeting Sept 2020 for finalization of the AEZ changes. Is that still the case? If not, are we thinking fall 2020? Winter 2020? Something entirely different?
- Do you have recent talking points or desk statement related to the COVID-19 and C&T memo below? Carrie and Greg are meeting with ND Ag Commissioner Doug Goehring. I want to make sure we are communicating how you want on this topic. https://www.epa.gov/sites/production/files/2020-07/documents/covid-19-ocspp-pesticide-ct-statement_2020-07-27.pdf.

Thanks.

Rebecca Perrin
Region 8 Agriculture Advisor | Office of the Regional Administrator | USEPA
1595 Wynkoop Street (8ORA-IO) | Denver CO 80202 | DL: 303-312-6311 | FAX: 303-312-6882

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Message

From: Dinkins, Darlene [Dinkins.Darlene@epa.gov]
Sent: 8/25/2020 11:48:59 AM
To: Goodis, Michael [Goodis.Michael@epa.gov]
Subject: RE: Dicamba

Thanks. Will send to Melissa.

Darlene Dinkins

Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Tuesday, August 25, 2020 6:30 AM
To: Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: RE: Dicamba

thanks – yours is better. Good to go.

Michael L. Goodis, P.E.
Acting Deputy Director for Programs
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

From: Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Sent: Monday, August 24, 2020 6:05 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: Dicamba

Mike – I added couple of Rick's edits in this version and corrected a couple of typos. Is this ok?

Darlene Dinkins

Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Monday, August 24, 2020 5:27 PM
To: Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: FW: Dicamba

Darlene – also please make sure the formatting is correct. Thanks

Michael L. Goodis, P.E.

Acting Deputy Director for Programs
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

From: Messina, Edward <Messina.Edward@epa.gov>

Sent: Monday, August 24, 2020 5:26 PM

To: Goodis, Michael <Goodis.Michael@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>

Cc: Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>

Subject: RE: Dicamba

I'm good with edits. I don't need to see again. Darlene can send after Mike's corrections made.

Ed

Ed Messina, Esq.
Acting Office Director
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
p: (703) 347-0209

From: Goodis, Michael <Goodis.Michael@epa.gov>

Sent: Monday, August 24, 2020 5:14 PM

To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>

Cc: Messina, Edward <Messina.Edward@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>

Subject: RE: Dicamba

A couple of edits – attached.

Michael L. Goodis, P.E.
Acting Deputy Director for Programs
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Sent: Monday, August 24, 2020 4:19 PM

To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>

Cc: Messina, Edward <Messina.Edward@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>

Subject: RE: Dicamba

Hello All:

Here are marked and clean copies of the revised RD one-pager on dicamba. Please let me know if any further edits are needed. I started from the version I circulated last Friday and added in changes from the email chain below and from the other, shortened version that Rick commented on today.

My apologies for the delay on this. My laptop had some technical issues this afternoon, but they seem to be resolved.

- Meg

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>

Sent: Monday, August 24, 2020 4:10 PM

To: Goodis, Michael <Goodis.Michael@epa.gov>

Cc: Messina, Edward <Messina.Edward@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>

Subject: RE: Dicamba

Meg's working on it. Meg – can you get this to us today, please?

From: Goodis, Michael <Goodis.Michael@epa.gov>

Sent: Monday, August 24, 2020 4:01 PM

To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>

Cc: Messina, Edward <Messina.Edward@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>

Subject: RE: Dicamba

How is this coming along?

Michael L. Goodis, P.E.
Acting Deputy Director for Programs
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

From: Goodis, Michael

Sent: Monday, August 24, 2020 1:57 PM

To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>

Cc: Messina, Edward <Messina.Edward@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>

Subject: Dicamba

FYI - you may want to incorporate some of these edits in the 1-pager for the Administrator.

Michael L. Goodis, P.E.
Acting Deputy Director for Programs
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

From: Dinkins, Darlene <Dinkins.Darlene@epa.gov>

Sent: Monday, August 24, 2020 1:44 PM

To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Grable, Melissa <Grable.Melissa@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Washam, Todd <Washam.Todd@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: Rep. Kinzinger meeting - Dicamba

This looks good. Thanks Rick. I attached a clean version.

Darlene Dinkins

Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Monday, August 24, 2020 12:55 PM
To: Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Grable, Melissa <Grable.Melissa@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Washam, Todd <Washam.Todd@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: Rep. Kinzinger meeting - Dicamba

Thanks Darlene. I had a few more comments, mostly to get this on one page and to align the language with what was stated in the cancellation order.

From: Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Sent: Monday, August 24, 2020 12:20 PM
To: Grable, Melissa <Grable.Melissa@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Washam, Todd <Washam.Todd@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: Rep. Kinzinger meeting - Dicamba

Rick and Melissa,

Here's the revised 1-pager for the R5 RA dicamba meeting with Rep. Kinzinger. This version incorporates Mike's points (below) that address your comments.

Darlene Dinkins

Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Saturday, August 22, 2020 9:17 AM
To: Grable, Melissa <Grable.Melissa@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>

Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Washam, Todd <Washam.Todd@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: Rep. Kinzinger meeting - Dicamba

I think this addresses Rick's comments (first two bullets from Alex briefing slides – I added the third)

- June 3, 2020: the United States Court of Appeals for the 9th Circuit Court ruled that EPA's approval of three dicamba products (XtendiMax- Bayer, Engenia - BASF and FeXapan - Corteva) for OTT use on genetically modified soybeans and cotton be vacated immediately.
- June 8, 2020: EPA issues cancellation order outlining limited circumstances under which existing stocks of the three affected products can be distributed and used, through July 31, 2020.
- Another dicamba product (Tavium – Syngenta) which is co-formulated with metolachlor and registered for OTT use on genetically modified soybeans and cotton, was not subject of the court's ruling and will expire on December 20, 2020 unless the agency renews the registration.

Darlene - on Monday, please incorporate these bullets in this paper and the 1-pager for the Administrator's briefing (since it is mostly covering the same information). Also Melissa had a comment/edit on this paper in a previous email.

Michael L. Goodis, P.E.
Acting Deputy Director for Programs
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

From: Grable, Melissa <Grable.Melissa@epa.gov>
Sent: Friday, August 21, 2020 5:35 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Washam, Todd <Washam.Todd@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: Rep. Kinzinger meeting - Dicamba

OPP, please revise and send back to me so I can send to Alex for her awareness.

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Friday, August 21, 2020 5:09 PM
To: Grable, Melissa <Grable.Melissa@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Washam, Todd <Washam.Todd@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: Rep. Kinzinger meeting - Dicamba

Should we add:

- When the current registrations expire and who holds those registrations?

- A discussion of the action we took subsequent to the Court's ruling?

From: Grable, Melissa <Grable.Melissa@epa.gov>

Sent: Friday, August 21, 2020 4:53 PM

To: Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>

Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Washam, Todd <Washam.Todd@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>

Subject: RE: Rep. Kinzinger meeting - Dicamba

Thanks, Darlene. I have a few comments/questions – see attached. Does this need to go to Alex?

From: Dinkins, Darlene <Dinkins.Darlene@epa.gov>

Sent: Friday, August 21, 2020 4:46 PM

To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Grable, Melissa <Grable.Melissa@epa.gov>

Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Washam, Todd <Washam.Todd@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>

Subject: RE: Rep. Kinzinger meeting - Dicamba

Melissa and Sven,

We prepared the attached backgrounder for the R5 RA dicamba meeting with Rep. Kinzinger next week. Please let us know if you need any additional information. Thanks.

Darlene Dinkins

Office of Pesticide Programs

U.S. Environmental Protection Agency

(703) 305-5214

From: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>

Sent: Friday, August 21, 2020 10:34 AM

To: Grable, Melissa <Grable.Melissa@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Washam, Todd <Washam.Todd@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>

Subject: Rep. Kinzinger meeting - Dicamba

Dicamba team – the R5 RA is meeting with Rep. Kinzinger (IL) next Weds, Aug 26. Dicamba may come up and the region asks if there is a desk statement or talking points on dicamba we can share with the RA. In addition to any existing background information that may be available, perhaps we can suggest something along the lines of:

Following the court ordered cancellation of dicamba's registration in June 2020, EPA is in contact with registrants and grower groups regarding dicamba's use in 2021, with a decision expected in late fall.

Please let me know what we can tell R5 and if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

Message

From: Dinkins, Darlene [Dinkins.Darlene@epa.gov]
Sent: 8/24/2020 10:04:47 PM
To: Goodis, Michael [Goodis.Michael@epa.gov]
Subject: RE: Dicamba
Attachments: OCSPP_Dicamba_8.24.20_one-pager_clean.MG.docx

Mike — I added couple of Rick's edits in this version and corrected a couple of typos. Is this ok?

Darlene Dinkins

Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Monday, August 24, 2020 5:27 PM
To: Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: FW: Dicamba

Darlene – also please make sure the formatting is correct. Thanks

Michael L. Goodis, P.E.
Acting Deputy Director for Programs
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

From: Messina, Edward <Messina.Edward@epa.gov>
Sent: Monday, August 24, 2020 5:26 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Dicamba

I'm good with edits. I don't need to see again. Darlene can send after Mike's corrections made.

Ed

Ed Messina, Esq.
Acting Office Director
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
p: (703) 347-0209

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Monday, August 24, 2020 5:14 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Dicamba

A couple of edits – attached.

Michael L. Goodis, P.E.
Acting Deputy Director for Programs
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, August 24, 2020 4:19 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Dicamba

Hello All:

Here are marked and clean copies of the revised RD one-pager on dicamba. Please let me know if any further edits are needed. I started from the version I circulated last Friday and added in changes from the email chain below and from the other, shortened version that Rick commented on today.

My apologies for the delay on this. My laptop had some technical issues this afternoon, but they seem to be resolved.

- Meg

From: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Sent: Monday, August 24, 2020 4:10 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Dicamba

Meg's working on it. Meg – can you get this to us today, please?

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Monday, August 24, 2020 4:01 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: RE: Dicamba

How is this coming along?

Michael L. Goodis, P.E.
Acting Deputy Director for Programs

Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

From: Goodis, Michael
Sent: Monday, August 24, 2020 1:57 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: Dicamba

FYI - you may want to incorporate some of these edits in the 1-pager for the Administrator.

Michael L. Goodis, P.E.
Acting Deputy Director for Programs
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

From: Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Sent: Monday, August 24, 2020 1:44 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Grable, Melissa <Grable.Melissa@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Washam, Todd <Washam.Todd@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: Rep. Kinzinger meeting - Dicamba

This looks good. Thanks Rick. I attached a clean version.

Darlene Dinkins
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Monday, August 24, 2020 12:55 PM
To: Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Grable, Melissa <Grable.Melissa@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Washam, Todd <Washam.Todd@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: Rep. Kinzinger meeting - Dicamba

Thanks Darlene. I had a few more comments, mostly to get this on one page and to align the language with what was stated in the cancellation order.

From: Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Sent: Monday, August 24, 2020 12:20 PM
To: Grable, Melissa <Grable.Melissa@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Washam, Todd <Washam.Todd@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: Rep. Kinzinger meeting - Dicamba

Rick and Melissa,

Here's the revised 1-pager for the R5 RA dicamba meeting with Rep. Kinzinger. This version incorporates Mike's points (below) that address your comments.

Darlene Dinkins

Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Saturday, August 22, 2020 9:17 AM
To: Grable, Melissa <Grable.Melissa@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Washam, Todd <Washam.Todd@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: Rep. Kinzinger meeting - Dicamba

I think this addresses Rick's comments (first two bullets from Alex briefing slides – I added the third)

- June 3, 2020: the United States Court of Appeals for the 9th Circuit Court ruled that EPA's approval of three dicamba products (XtendiMax- Bayer, Engenia - BASF and FeXapan - Corteva) for OTT use on genetically modified soybeans and cotton be vacated immediately.
- June 8, 2020: EPA issues cancellation order outlining limited circumstances under which existing stocks of the three affected products can be distributed and used, through July 31, 2020.
- Another dicamba product (Tavium – Syngenta) which is co-formulated with metolachlor and registered for OTT use on genetically modified soybeans and cotton, was not subject of the court's ruling and will expire on December 20, 2020 unless the agency renews the registration.

Darlene - on Monday, please incorporate these bullets in this paper and the 1-pager for the Administrator's briefing (since it is mostly covering the same information). Also Melissa had a comment/edit on this paper in a previous email.

Michael L. Goodis, P.E.
Acting Deputy Director for Programs
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

From: Grable, Melissa <Grable.Melissa@epa.gov>
Sent: Friday, August 21, 2020 5:35 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Washam, Todd <Washam.Todd@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: Rep. Kinzinger meeting - Dicamba

OPP, please revise and send back to me so I can send to Alex for her awareness.

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Friday, August 21, 2020 5:09 PM
To: Grable, Melissa <Grable.Melissa@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Washam, Todd <Washam.Todd@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: Rep. Kinzinger meeting - Dicamba

Should we add:

- When the current registrations expire and who holds those registrations?
- A discussion of the action we took subsequent to the Court's ruling?

From: Grable, Melissa <Grable.Melissa@epa.gov>
Sent: Friday, August 21, 2020 4:53 PM
To: Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Washam, Todd <Washam.Todd@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: Rep. Kinzinger meeting - Dicamba

Thanks, Darlene. I have a few comments/questions – see attached. Does this need to go to Alex?

From: Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Sent: Friday, August 21, 2020 4:46 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Grable, Melissa <Grable.Melissa@epa.gov>
Cc: Hanley, Mary <Hanley.Mary@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Washam, Todd <Washam.Todd@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: RE: Rep. Kinzinger meeting - Dicamba

Melissa and Sven,

We prepared the attached backgrounder for the R5 RA dicamba meeting with Rep. Kinzinger next week. Please let us know if you need any additional information. Thanks.

Darlene Dinkins

Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5214

From: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>

Sent: Friday, August 21, 2020 10:34 AM

To: Grable, Melissa <Grable.Melissa@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Washam, Todd <Washam.Todd@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>

Subject: Rep. Kinzinger meeting - Dicamba

Dicamba team – the R5 RA is meeting with Rep. Kinzinger (IL) next Weds, Aug 26. Dicamba may come up and the region asks if there is a desk statement or talking points on dicamba we can share with the RA. In addition to any existing background information that may be available, perhaps we can suggest something along the lines of:

Following the court ordered cancellation of dicamba's registration in June 2020, EPA is in contact with registrants and grower groups regarding dicamba's use in 2021, with a decision expected in late fall.

Please let me know what we can tell R5 and if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

Message

From: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Sent: 6/15/2020 1:17:07 PM
To: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]
Subject: FW: Dicamba ban
Attachments: ATT00001.txt

FYI: Perspective from Dr. Steve Li on what growers are doing in his area now regarding dicamba.

From: Steve Li <xzl0004@auburn.edu>
Sent: Saturday, June 13, 2020 9:08 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Dicamba ban

Thanks Meg! The EPA order allowing dicamba to be applied until July 31 is definitely helping a lot. Lots of dicamba are being sprayed these days. However, we are seeing a lot of illegal use or generics when people can not get Xtendimax, Engenia and FeXapan. Tavium supply is very tight, which worsen this problem. Hope a new formulation can be approved this fall.

Steve

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Thursday, June 11, 2020 5:38 PM
To: Steve Li <xzl0004@auburn.edu>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Dicamba ban

Hello Steve:

Unfortunately, we are still trying to find answers to the same questions. We will try to follow up as soon as we can get information on this situation.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Steve Li <xzl0004@auburn.edu>
Sent: Thursday, June 04, 2020 7:11 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Dicamba ban

Hi Meg,

Hope you and your colleagues are doing well in the middle of unrest! Sad to see the dicamba ban verdict came out yesterday. I am curious when EPA may release any form of instructions regarding dicamba applications for the remaining

season? There are a lot of panic buying of dicamba today as many farmers are trying to "stock up". Several chemical dealers said their phones have become a "dicamba hotline" and sold out 1 yr worth of dicamba sales within a day. Some growers still want to buy but were not able to get any product as manufacturers do not allow dealers place order anymore. My concern is some may stock up and use old illegal formulations if they cannot get labeled products. Lots of acreage will be sprayed in the next few days because of the uncertainty, possibly under not so great conditions. I got a dozen inquiries from growers but do not really know what to tell them.

Thanks!

--Steve Li, PhD

Extension Specialist, Assistant Professor
Department of Crop, Soil and Environmental Sciences
Auburn University
Auburn, AL. 36849.
O: 334-844-3804; C: 334-707-7370
steveli@auburn.edu



Message

From: Kenny, Daniel [Kenny.Dan@epa.gov]
Sent: 6/2/2020 12:57:22 PM
To: Aubee, Catherine [Aubee.Catherine@epa.gov]
CC: Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: RE: VaporGrip Extra

You're welcome! Sorry to be late on a couple of these....I should probably start at the top and work my way backwards. You're right about EFED being concerned.

From: Aubee, Catherine <Aubee.Catherine@epa.gov>
Sent: Tuesday, June 02, 2020 8:44 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Subject: Re: VaporGrip Extra

Thanks, Dan. This is helpful context.

Best,
Catherine
Associate Director (Acting)
OPP Registration Division
US Environmental Protection Agency

On Jun 2, 2020, at 8:40 AM, Kenny, Daniel <Kenny.Dan@epa.gov> wrote:

Just to expand on one piece below in case it's helpful is that this was submitted as a non-PRIA data set for the existing formulation. It's not a new formulation or a PRIA action to amend the label, just data. Bayer is hoping that it would improve the conclusions of the risk assessment, but it's not clear if or how they would require the addition of the adjuvant on the label. Otherwise, it's just an optional addition to a tank mix, and it's not clear how it would help our current decision-making or why it would be worth us looking at the data now (it is apparently a lot of data).

One other point is that this is also specific to their product and not the other products. That also makes it hard to understand how it would affect our decision-making for dicamba OT uses in general and worth looking at now rather than later.

Just a couple questions that we would need to deal with that we might as well start thinking about...

Dan

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Tuesday, June 02, 2020 8:10 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: RE: VaporGrip Extra

Good morning, Mike:

Yes, HB can confirm that VaporGrip data has been submitted to EPA. The team has not yet reviewed the submissions, but RD has just created a bean for EFED.

The VaporGrip submission package concerns EPA Reg. No. 524-617 (M1768 Herbicide / XtendiMax® With VaporGrip® Technology), and potential benefits claimed from adding MON 51817 (the adjuvant) in a tank mix with M1768 Herbicide. The MRIDs associated with this submission are 51134100 - 51134105.

Detailed Bibliography:

- Transmittal Document (MRID 51134100)
- Summary of Studies Conducted with MON 51817 in XtendiMax® With VaporGrip® Technology Tank Mixtures (MRID 51134101)
- Bibliography of MON 51817 Spray Drift and Volatility Data (MRID 51134102)
- Report: Field Volatility of Spray Solutions Containing Dicamba for Post-emergent Uses: Mon 76980 (22 oz/A) with different tank mix partners (MRID 51134103)
- Report: Deposition and Air Concentration Modeling for Dicamba Formulation MON 76980 with Different Tank Mix Partners – 2018 Arizona Field Trial (MRID 51134104)
- Report: Off-Target Disposition of Spray Solutions Containing Dicamba Formulations MON 76980 and MON 119151 (MRID 51134105)

- Meg

From: Goodis, Michael <Goodis.Michael@epa.gov>

Sent: Tuesday, June 02, 2020 6:43 AM

To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>

Subject: RE: VaporGrip Extra

We have a general with Rick at 11 today.
Any information I can share?

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Goodis, Michael

Sent: Saturday, May 30, 2020 2:36 PM

To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>

Subject: Fwd: VaporGrip Extra

See below. Can we confirm these data were submitted? Let's discuss Monday.

Sent from my iPhone

Begin forwarded message:

From: "Keigwin, Richard" <Keigwin.Richard@epa.gov>

Date: May 30, 2020 at 8:01:18 AM EDT

To: "Goodis, Michael" <Goodis.Michael@epa.gov>, "Echeverria, Marietta" <Echeverria.Marietta@epa.gov>
Cc: "Messina, Edward" <Messina.Edward@epa.gov>
Subject: VaporGrip Extra

Alex met with Bayer yesterday to discuss several topics. One of those topics was their new VaporGrip Extra technology.

I know we only just received the data (Bayer mentioned that they submitted it in early May) so it is likely that the team is only starting to look at those data. With that in mind, it would be helpful to get an early read (even qualitatively) on what the data show in terms of promise for this technology in reducing vapor drift. Bayer will want to engage on this adjuvant soon, so any initial reactions could be helpful in some of the upcoming discussions that are likely to occur.

Rick Keigwin
Director, Office of Pesticide Programs
U.S. Environmental Protection Agency
Phone: 703-305-7090
Website: <http://www.epa.gov/pesticides>
Sent from my iPhone (Please excuse typos!)

Message

From: Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]
Sent: 6/23/2020 10:00:24 PM
To: Grable, Melissa [Grable.Melissa@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Dinkins, Darlene [Dinkins.Darlene@epa.gov]; Frye, Tony (Robert) [frye.robert@epa.gov]; Edwards, John (Holt) [edwards.john@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]
Subject: RE: Sen. Cardin Inquiry on Dicamba-additional question

I responded, directing Cardin's staffer back to the order for now. I'll keep passing along any hill dicamba requests for awareness. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

From: Grable, Melissa <Grable.Melissa@epa.gov>
Sent: Tuesday, June 23, 2020 5:40 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Edwards, John (Holt) <edwards.john@epa.gov>
Cc: Goodis, Michael <Goodis.Michael@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: RE: Sen. Cardin Inquiry on Dicamba-additional question

Just looping in Mike.

From: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Sent: Tuesday, June 23, 2020 12:30 PM
To: Grable, Melissa <Grable.Melissa@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Edwards, John (Holt) <edwards.john@epa.gov>
Subject: RE: Sen. Cardin Inquiry on Dicamba-additional question

Dicamba team – Please see the additional question from Sen. Cardin's staff.

From: Frede, Shannon (Cardin) <Shannon.Frede@cardin.senate.gov>
Sent: Tuesday, June 23, 2020 12:27 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: RE: Sen. Cardin Inquiry on Dicamba

Thanks! I didn't see anything in the order on buy backs, but if there's any additional information, particularly on dicamba-resistant seeds purchased before June 3 you can share with me that would be great.

From: Kaiser, Sven-Erik
Sent: Tuesday, June 23, 2020 11:17 AM

To: Grable, Melissa <Grable.Melissa@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Edwards, John (Holt) <edwards.john@epa.gov>
Subject: FW: Sen. Cardin Inquiry on Dicamba

Dicamba team – please see the request below from Sen. Cardin asking where to direct Maryland producer inquiries on Dicamba. Please let me know our response and if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

From: Kaiser, Sven-Erik
Sent: Tuesday, June 23, 2020 11:13 AM
To: 'Frede, Shannon (Cardin)' <Shannon_Frede@cardin.senate.gov>
Subject: Sen. Cardin Inquiry on Dicamba

Shannon – thanks for the inquiry on Dicamba. I'm checking on where we're directing producer inquiries and will get back to you shortly. Please let me know if any additional questions. Best,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

From: Frede, Shannon (Cardin) <Shannon_Frede@cardin.senate.gov>
Sent: Monday, June 22, 2020 5:53 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: FW: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

Hi Sven, hope you're well. Where should I direct inquiries from Maryland producers regarding the cancellation order?
Thanks!

Take care,

Shannon Frede
Environmental Policy Counsel
Office of Senator Ben Cardin (MD)
Direct Line: (202) 440-2931

Begin forwarded message:

From: "Kaiser, Sven-Erik" <Kaiser.Sven-Erik@epa.gov>

Date: June 8, 2020 at 7:46:35 PM EDT

Subject: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations



EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

WASHINGTON (June 8, 2020) – Today, the U.S. Environmental Protection Agency (EPA) issued a key order providing farmers with needed clarity following the Ninth Circuit Court of Appeals' June 3, 2020 vacatur of three dicamba registrations. Today's [cancellation order](#) outlines limited and specific circumstances under which existing stocks of the three affected dicamba products can be used for a limited period of time. EPA's order will advance protection of public health and the environment by ensuring use of existing stocks follows important application procedures.

"At the height of the growing season, the Court's decision has threatened the livelihood of our nation's farmers and the global food supply," **said EPA Administrator Andrew Wheeler**. "Today's cancellation and existing stocks order is consistent with EPA's standard practice following registration invalidation, and is designed to advance compliance, ensure regulatory certainty, and to prevent the misuse of existing stocks."

EPA's order will mitigate some of the devastating economic consequences of the Court's decision for growers, and particularly rural communities, at a time they are experiencing great stress due to the COVID-19 public health emergency.

Details of the Order

EPA's order addresses sale, distribution, and use of existing stocks of the three affected dicamba products - XtendiMax with vapor grip technology, Engenia, and FeXapan.

1. Distribution or sale by any person is generally prohibited except for ensuring proper disposal or return to the registrant.
2. Growers and commercial applicators may use existing stocks that were in their possession on June 3, 2020, the effective date of the Court decision. Such use must be consistent with the product's previously-approved label, and may not continue after July 31, 2020.

Background

On June 3, 2020, the Ninth Circuit Court of Appeals issued an order vacating EPA's pesticide registrations containing the active ingredient dicamba: Xtendimax with Vaporgrip Technology (EPA Reg. No. 524-617); Engenia - (EPA Reg. No. 7969-345); and FeXapan - (EPA Reg. No. 352-913).

Dicamba is a valuable pest control tool that farmers nationwide planned to use during the 2020 growing season. Since the Court issued its opinion, the agency has been overwhelmed with letters and calls from farmers citing the devastation of this decision on the millions of acres of crops, millions of dollars already invested by farmers, and threat to America's food supply.

Please let me know if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

Message

From: Kenny, Daniel [Kenny.Dan@epa.gov]
Sent: 6/9/2020 7:49:51 PM
To: Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]
Subject: RE: For the OPP Dicamba Microsoft Teams Site List of Q's

Thanks Meg.

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Tuesday, June 09, 2020 3:30 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: For the OPP Dicamba Microsoft Teams Site List of Q's

Hi Dan and Mike: I have been working to compile and track the questions we have received, but do not know if OGC has advanced on developing guidance on responses for the topics raised on the Alex Dunn call earlier today. If response work is occurring, I haven't been a part of it.

That said, there may be an email I haven't seen yet.

- Meg

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Tuesday, June 09, 2020 3:26 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: For the OPP Dicamba Microsoft Teams Site List of Q's

So far, all has been relatively quiet and I haven't heard anything. I know that Rick forwarded a collection of questions to Meg, which she is adding to the Team site. Meg, have you heard anything about draft responses so far?

Dan

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Tuesday, June 09, 2020 3:19 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: For the OPP Dicamba Microsoft Teams Site List of Q's

How are things coming along regarding development of responses?

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Tuesday, June 09, 2020 2:25 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>

Cc: Messina, Edward <Messina.Edward@epa.gov>

Subject: RE: For the OPP Dicamba Microsoft Teams Site List of Q's

Thank you, Rick. I am currently working on a master document containing the questions we are being asked, and have added these to the list.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Keigwin, Richard <Keigwin.Richard@epa.gov>

Sent: Tuesday, June 09, 2020 1:59 PM

To: Goodis, Michael <Goodis.Michael@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: Messina, Edward <Messina.Edward@epa.gov>

Subject: FW: For the OPP Dicamba Microsoft Teams Site List of Q's

From: Dennis, Allison <Dennis.Allison@epa.gov>

Sent: Tuesday, June 09, 2020 1:38 PM

To: Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>

Cc: Dunn, Alexandra <dunn.alexandra@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Motilall, Christina <Motilall.Christina@epa.gov>

Subject: For the OPP Dicamba Microsoft Teams Site List of Q's

As promised during the 8:30 mtg today, here are the q's I've seen come in through media. Feel free to add them to your list of q's to develop answers for...or not! -Allison

- 1) Do you all have any ballpark idea of how much dicamba (at least for the uses in question in the court case and yesterday's EPA order) is actually out there? That, is, when we talk about existing stocks, how much might we be talking about?
- 2) Will this ruling delay or cancel the EPA's new license approval for dicamba this autumn?
- 3) Will the agency need to conduct more of its own testing on dicamba?
- 4) What does the court's decision mean for the legality of planting Xtend products—is there any effect?
- 5) Is Tavium at all affected by this decision? (as it was not specifically listed)
- 6) What does this mean for future registration of dicamba products for over-the-top use?
- 7) Are you notifying state ag departments, have you issued a bulletin notifying users they must cease or is that up to the companies to do?
- 8) Explain what is done to make sure FIFRA is respected when filing registrations for a herbicide.
- 9) What does this ruling mean for 2021 and beyond dicamba registration?
- 10) For farmers or retailers with XtendiMax, Engenia or FeXapan in their inventory what are their options? What would ramifications of application when the registration is vacated be?
- 11) Will this be appealed? Will the agency seek an emergency stay to the decision, as some states are requesting?

Allison Dennis

ED_005570D_00049456-00002

Communications Director
Office of Chemical Safety and Pollution Prevention
Desk: (202) 564-1985; Cell: (202) 257-5629
Follow OCSPP on Twitter: @EPACChemSafety

Message

From: Kenny, Daniel [Kenny.Dan@epa.gov]
Sent: 6/9/2020 1:10:24 PM
To: Aubee, Catherine [Aubee.Catherine@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]
CC: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: RE: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

I agree. Meg is a good choice.

From: Aubee, Catherine <Aubee.Catherine@epa.gov>
Sent: Tuesday, June 09, 2020 8:33 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Re: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

I would suggest Meg (removed her from this email.)

Best,
Catherine
Associate Director (Acting)
OPP Registration Division
US Environmental Protection Agency

On Jun 9, 2020, at 8:24 AM, Goodis, Michael <Goodis.Michael@epa.gov> wrote:

Who do you all suggest should be on the workgroup?

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Tuesday, June 09, 2020 8:18 AM
To: Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: FW: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

As you can imagine, we are starting to get a lot of questions about what different provisions in the cancellation order mean. For example, some of the questions we've received include:

1. If the retailer has a commercial applicator business, can that commercial applicator apply product that was in the retail warehouse as of June 3, 2020?
2. If the retailer has inventory in stock that had been purchased by a grower prior to June 3, 2020, but not yet delivered, can that product be applied by a commercial

applicator? The order appears to prohibit delivery of that product to the purchasing grower.

3. If a retailer is storing product for a grower who may have already bought it, can the grower have it? Or since it is in the retailer's facility, can they not take possession?
4. What is the legal status of the movement of product that states allowed between June 3rd and June 8th?

We need someone from RD to be part of the group to work with OGC to develop responses. Who could that be? Probably need a name as early as possible this morning. OGC has also suggested that a Microsoft Teams site be created to facilitate getting answers drafted.

From: Keigwin, Richard

Sent: Monday, June 08, 2020 7:48 PM

To: Messina, Edward <Messina.Edward@epa.gov>; Arnold Layne (Layne.Arnold@epa.gov) <Layne.Arnold@epa.gov>; OPP Division Directors <OPP_Division_Directors@epa.gov>; OPP Deputy & Associate Directors <OPP_Deputy_&_Associate_Directors@epa.gov>; Darlene Dinkins (Dinkins.Darlene@epa.gov) <Dinkins.Darlene@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>

Subject: FW: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

From: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>

Sent: Monday, June 08, 2020 7:46 PM

Subject: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations



EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

WASHINGTON (June 8, 2020) – Today, the U.S. Environmental Protection Agency (EPA) issued a key order providing farmers with needed clarity following the Ninth Circuit Court of Appeals' June 3, 2020 vacatur of three dicamba registrations. Today's [cancellation order](#) outlines limited and specific circumstances under which existing stocks of the three affected dicamba products can be used for a limited period of time. EPA's order will advance protection of public health and the environment by ensuring use of existing stocks follows important application procedures.

"At the height of the growing season, the Court's decision has threatened the livelihood of our nation's farmers and the global food supply," said **EPA Administrator Andrew Wheeler**. "Today's cancellation and existing stocks order is consistent with EPA's standard practice following

registration invalidation, and is designed to advance compliance, ensure regulatory certainty, and to prevent the misuse of existing stocks.”

EPA’s order will mitigate some of the devastating economic consequences of the Court’s decision for growers, and particularly rural communities, at a time they are experiencing great stress due to the COVID-19 public health emergency.

Details of the Order

EPA’s order addresses sale, distribution, and use of existing stocks of the three affected dicamba products - XtendiMax with vapor grip technology, Engenia, and FeXapan.

1. Distribution or sale by any person is generally prohibited except for ensuring proper disposal or return to the registrant.
2. Growers and commercial applicators may use existing stocks that were in their possession on June 3, 2020, the effective date of the Court decision. Such use must be consistent with the product’s previously-approved label, and may not continue after July 31, 2020.

Background

On June 3, 2020, the Ninth Circuit Court of Appeals issued an order vacating EPA’s pesticide registrations containing the active ingredient dicamba: Xtendimax with Vaporgrip Technology (EPA Reg. No. 524-617); Engenia - (EPA Reg. No. 7969-345); and FeXapan - (EPA Reg. No. 352-913).

Dicamba is a valuable pest control tool that farmers nationwide planned to use during the 2020 growing season. Since the Court issued its opinion, the agency has been overwhelmed with letters and calls from farmers citing the devastation of this decision on the millions of acres of crops, millions of dollars already invested by farmers, and threat to America’s food supply.

Please let me know if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

Message

From: Kenny, Daniel [Kenny.Dan@epa.gov]
Sent: 6/9/2020 1:09:42 PM
To: Goodis, Michael [Goodis.Michael@epa.gov]
Subject: RE: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

I'm on board. I think Meg will be great at this kind of effort, and she'll keep us filled in really well. I think Meg is a good choice.

Dan

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Tuesday, June 09, 2020 8:58 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: FW: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

What do you think?

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Tuesday, June 09, 2020 8:46 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: RE: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

I can help if needed, but will let you all make the final call.

- Meg

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Tuesday, June 09, 2020 8:25 AM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: FW: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

Who do you all suggest should be on the workgroup?

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157

From: Keigwin, Richard <Keigwin.Richard@epa.gov>

Sent: Tuesday, June 09, 2020 8:18 AM

To: Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>

Subject: FW: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

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From: Keigwin, Richard

Sent: Monday, June 08, 2020 7:48 PM

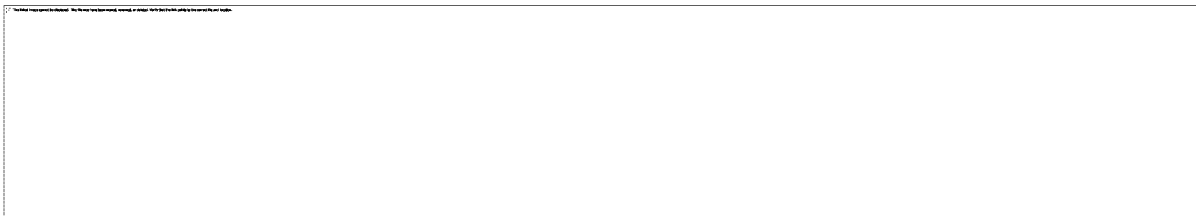
To: Messina, Edward <Messina.Edward@epa.gov>; Arnold Layne (Layne.Arnold@epa.gov) <Layne.Arnold@epa.gov>; OPP Division Directors <OPP_Division_Directors@epa.gov>; OPP Deputy & Associate Directors <OPP_Deputy_Associate_Directors@epa.gov>; Darlene Dinkins (Dinkins.Darlene@epa.gov) <Dinkins.Darlene@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>

Subject: FW: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

From: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>

Sent: Monday, June 08, 2020 7:46 PM

Subject: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations



EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

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Please let me know if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

Message

From: Kenny, Daniel [Kenny.Dan@epa.gov]
Sent: 7/7/2020 1:58:49 PM
To: Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]
CC: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]
Subject: RE: Dicamba registration process- media q's

I expect it would be FEAD or the press office, wouldn't it?

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Tuesday, July 07, 2020 9:54 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: RE: Dicamba registration process- media q's

Thank you. Should it be FEAD or RD who actually responds to the inquiry? I see that the Progressive Farmer ask came through FEAD-CSB, so I think that one is in their court. And RD could respond to the AAPCO ask?

- Meg

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Tuesday, July 07, 2020 9:50 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: RE: Dicamba registration process- media q's

Sure thing. I'm making sure Meg has everything I get, so she can coordinate with FEAD and Allison.

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Tuesday, July 07, 2020 9:46 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: RE: Dicamba registration process- media q's

The same for Leo.

We should make sure FEAD and Allison/IO are aware of this request too.

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Tuesday, July 07, 2020 9:38 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: RE: Dicamba registration process- media q's

Thanks Mike. Should we do the same with Leo's email?

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Monday, July 06, 2020 9:28 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: FW: Dicamba registration process- media q's

Looks like we provide the standard response.

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Messina, Edward <Messina.Edward@epa.gov>
Sent: Monday, July 06, 2020 7:31 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Cc: Aubee, Catherine <Aubee.Catherine@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Subject: FW: Dicamba registration process- media q's

fyi

Ed Messina, Esq.
Acting Office Director
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
p: (703) 347-0209

From: Dunn, Alexandra <dunn.alexandra@epa.gov>
Sent: Monday, July 06, 2020 2:59 PM
To: Dennis, Allison <Dennis.Allison@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Lieberman, Paige <Lieberman.Paige@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Subject: RE: Dicamba registration process- media q's

I recommend we not provide answers at this point as all of this is in discussion in various ways.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention

US Environmental Protection Agency
Washington, DC

From: Dennis, Allison <Dennis.Allison@epa.gov>

Sent: Monday, July 6, 2020 2:22 PM

To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>

Cc: Goerke, Ariadne <Goerke.Ariadne@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Lieberman, Paige <Lieberman.Paige@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>

Subject: FW: Dicamba registration process- media q's

All,
I'm flagging these incoming dicamba q's for your team's awareness but also wanted to confirm that we are still on holding on answering these type of legal/next step questions for now.

From: Sullivan, Melissa <sullivan.melissa@epa.gov>

Sent: Monday, July 06, 2020 1:51 PM

To: OPP FEAD CSB <OPP_FEAD_CSB@epa.gov>; Lieberman, Paige <Lieberman.Paige@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>; Motilall, Christina <Motilall.Christina@epa.gov>

Subject: FW: Dicamba registration process

Good afternoon,

We received an inquiry from Emily Unglesbee from Progressive Farmer. **Deadline is Thursday morning.** Questions below.

Can someone at EPA provide some clarity on the following this week?

1. Since the 2018 registrations are vacated, do the registrants have to start the registration process all over from scratch and re-submit all data and applications for a product registration? Or is EPA continuing with the re-registration process that was underway? Does the agency have everything it needs from the registrants of those herbicides?
2. Earlier this year, Rick Keigwin publicly stated that EPA was aiming for an early fall decision on those re-registrations, to give farmers' information they needed to make seed selection. Is that timeline for new registrations for those three herbicides still in place?
3. Will EPA be requiring substantial changes to the new labels in order to avoid a similar legal challenge in the future? For example, state regulators recently asked EPA to only permit pre-emergence applications of those three herbicides to limit applications in the hot summer months. Will that idea be given more consideration with the new labels?
4. Finally, the Ninth Circuit's vacatur opinion criticized EPA for not attempting to estimate or even acknowledge widespread off-target dicamba injury in past growing seasons in the agency's 2018 re-registration decision. Will the agency be making an attempt to track and quantify dicamba injury this summer? Will injury reports from the 2020 growing season (which are rising in states such as Iowa, Illinois and Indiana) impact EPA's registration decision for these three herbicides?

Thank you,
Melissa

Melissa A. Sullivan
Office of Public Affairs
U.S. Environmental Protection Agency

ED_005570D_00049504-00003

202 913-3840

Sullivan.Melissa@epa.gov

From: Emily Unglesbee <Emily.Unglesbee@dtm.com>
Sent: Monday, July 6, 2020 9:46 AM
To: Sullivan, Melissa <sullivan.melissa@epa.gov>
Cc: Press <Press@epa.gov>; Labbe, Ken <Labbe.Ken@epa.gov>
Subject: RE: Dicamba registration process

Thursday morning. Thanks.

Emily Unglesbee
DTN Staff Reporter

From: Sullivan, Melissa <sullivan.melissa@epa.gov>
Sent: Monday, July 6, 2020 9:45 AM
To: Emily Unglesbee <Emily.Unglesbee@dtm.com>
Cc: Press <Press@epa.gov>; Labbe, Ken <Labbe.Ken@epa.gov>
Subject: Re: Dicamba registration process

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Emily,

What is your deadline, please?

Thank you,
Melissa

On Jul 6, 2020, at 9:43 AM, Emily Unglesbee <Emily.Unglesbee@dtm.com> wrote:

Hi,

We are fielding many questions from the agricultural community about the availability of three dicamba herbicides next year – XtendiMax, Engenia and FeXapan.

Can someone at EPA provide some clarity on the following this week?

1. Since the 2018 registrations are vacated, do the registrants have to start the registration process all over from scratch and re-submit all data and applications for a product registration? Or is EPA continuing with the re-registration process that was underway? Does the agency have everything it needs from the registrants of those herbicides?
2. Earlier this year, Rick Keigwin publicly stated that EPA was aiming for an early fall decision on those re-registrations, to give farmers' information they needed to make seed selection. Is that timeline for new registrations for those three herbicides still in place?
3. Will EPA be requiring substantial changes to the new labels in order to avoid a similar legal challenge in the future? For example, state regulators recently asked EPA to only permit pre-emergence applications of those three herbicides to limit applications in the hot summer months. Will that idea be given more consideration with the new labels?

4. Finally, the Ninth Circuit's vacatur opinion criticized EPA for not attempting to estimate or even acknowledge widespread off-target dicamba injury in past growing seasons in the agency's 2018 re-registration decision. Will the agency be making an attempt to track and quantify dicamba injury this summer? Will injury reports from the 2020 growing season (which are rising in states such as Iowa, Illinois and Indiana) impact EPA's registration decision for these three herbicides?

Thanks.

Emily Unglesbee
Staff Reporter, DTN

DTN/Progressive Farmer
Phone: (402)-637-3295

www.dtnpf.com

NOTICE: This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message. Any e-mail reply to this address may be subject to interception or monitoring for operational reasons or for lawful business practices

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Message

From: Becker, Jonathan [Becker.Jonathan@epa.gov]
Sent: 6/10/2020 3:08:38 PM
To: Goodis, Michael [Goodis.Michael@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Bacon, Laura [Bacon.Laura@epa.gov]
Subject: RE: ND permits continued OTT dicamba on soybeans

From these articles it seems that 24c products were the ones issued in Dec. and that ND has canceled the state registrations for the 3 OTT products.

<https://www.am1100theflag.com/news/19312-north-dakota-delegation-statement-epas-key-order-after-recent-court-vacatur-dicamba>

<https://www.nd.gov/ndda/news/epa-orders-cancellation-dicamba-products-includes-provisions-existing-stocks>

From: Goodis, Michael
Sent: Wednesday, June 10, 2020 9:33 AM
To: Becker, Jonathan <Becker.Jonathan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Bacon, Laura <Bacon.Laura@epa.gov>
Subject: RE: ND permits continued OTT dicamba on soybeans

ND issued 24cs for these products in Dec restricting use with the cut off date of June 30.

Do we know if the notice below is referring to the Dec action or was there a more recent action?

Need to know as soon as we can. Thanks

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Becker, Jonathan <Becker.Jonathan@epa.gov>
Sent: Wednesday, June 10, 2020 7:44 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: ND permits continued OTT dicamba on soybeans

Hi Meg,

We just have access to the summary level Agbio news service, so all I have is the paragraph that I sent below. I'll keep checking to see if they have any follow articles.

Sorry,

Jonathan

From: Hathaway, Margaret
Sent: Tuesday, June 09, 2020 6:09 PM
To: Becker, Jonathan <Becker.Jonathan@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: FW: ND permits continued OTT dicamba on soybeans

Hi Jonathan:

I don't know. But could you please send me a PDF of the article? I don't have a subscription to Agbio, so can't see the specifics of what is being reported. I did see the following news release on ND's government website:

<https://www.nd.gov/ndda/news/news-release-north-dakota-specific-label-announced-dicamba>

CCing some more RD folks for their awareness.

- Meg

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To: Chism, William <Chism.Bill@epa.gov>; Tindall, Kelly <tindall.kelly@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>; Kiely, Timothy <Kiely.Timothy@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: ND permits continued OTT dicamba on soybeans

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North Dakota's Agriculture Commissioner has issued a state registration allowing growers to apply three dicamba formulations to dicamba-tolerant soybeans, despite the decision by a US appeals court to reject the EPA's registration permit for the herbicide (see [AgbioNews Jun 4, 2020](#)) which has effectively banned the sale of dicamba-based products. The three products permitted for use in North Dakota are Bayer's XtendiMax, BASF's Engenia, and Corteva's FeXapan.

Message

From: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Sent: 7/6/2020 6:20:32 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]
Subject: RE: Dicamba questions from AAPCO members

Sounds good. Thanks Dan.

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Monday, July 06, 2020 1:56 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: RE: Dicamba questions from AAPCO members

Thanks Meg. Mike was going to talk with Ed about how to handle this. We can work forward from there. Let's keep our eyes open for a message from Mike on this (just FYI, this is Mike's first day back, so there will be a lot going on for him).

Thanks,
Dan

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, July 06, 2020 11:18 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: RE: Dicamba questions from AAPCO members

AAPCO's note does seem like a priority ask for us to respond to. I fear, however, the pointing to the cancellation order will not address AAPCO's questions, because their questions stem from the text of the cancellation order itself, at least for question 1. I believe AAPCO's question 1 regarding commercial applicators is referring to paragraph 2(c)* on page 11 of EPA's cancellation order. This paragraph is the part of the cancellation order on which OPP has received the most stakeholder questions. As AAPCO notes, different stakeholders appear to be interpreting EPA's cancellation order wording in a variety of ways.

If we wanted to give an interim "we are working on it" response, the approved phrasing from FEAD is "EPA is currently reviewing the court decision and will move promptly to comply with the Court's order." Or we could refer them to paragraph 2c on page 11 of the cancellation order for their first question. The order doesn't really speak to non-OTT uses, but perhaps for AAPCO's second question, we could refer them to paragraph 2d** on page 11. Again though, referring to the text may not be a reply that satisfies AAPCO.

If those references or a use of FEAD's boilerplate response won't suffice, any more substantive answer will be breaking new ground. That's not a bad thing, as we should indeed be working to answer these stakeholder questions, but it would be the first time (to my knowledge) that we formally clarify the text of the cancellation order, and will need to be careful what we say.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

*text: "c. *Distribution or sale by commercial applicators.* For the purpose of facilitating use no later than July 31, 2020, distribution or sale of existing stocks of products listed below that are in the possession of commercial applicators is permitted."

** text: "d. *Use.* Use of existing stocks of products listed below inconsistent in any respect with the previously-approved labeling accompanying the product is prohibited. All use is prohibited after July 31, 2020."

From: Goodis, Michael <Goodis.Michael@epa.gov>

Sent: Monday, July 06, 2020 7:54 AM

To: Messina, Edward <Messina.Edward@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>

Subject: FW: Dicamba questions from AAPCO members

Importance: High

I know we are being careful in responding to questions but I think we need to respond to them in some fashion. Ed – I assume we need to run this by Alex?

Maybe we can just point them to places in the cancellation order to try and address the questions?

Michael L. Goodis, P.E.

Director, Registration Division (RD)

Office of Pesticide Programs (OPP)

Phone 703-308-8157

Room S7623

From: Reed, Leo A <reedla@purdue.edu>

Sent: Thursday, July 02, 2020 10:12 AM

To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: aapco.sfireg <aapco.sfireg@gmail.com>; Cary Giguere <Cary.Giguere@vermont.gov>; GBahr@agr.wa.gov; Gretchen Paluch <gretchen.paluch@iowaagriculture.gov>; Liza Fleeson <Liza.Fleeson@vdacs.virginia.gov>; Megan Patterson <Megan.L.Patterson@maine.gov>; Jones, Patrick <patrick.jones@ncagr.gov>; Rose Kachadoorian <rkachadoorian@oda.state.or.us>

Subject: Dicamba questions from AAPCO members

Importance: High

Gentlemen,

On the recent AAPCO Board of Directors monthly call the BOD discussed questions that have been coming to AAPCO from states.

There is still uncertainty regarding sale of the dicamba registrations for Xtendimax with Vaporgrip Technology (EPA Reg. No. 524-617), Engenia – (EPA Reg. No. 7969-345), FeXapan – (EPA Reg. No. 352-913). Even some discussion with the states on the call today indicates there may be different interpretations of the cancellation order. Since the 9th Circuit rejected the plaintiffs' emergency motion to stop EPA's existing stock order for dicamba, is there clarity that can be provided to SLAs on the intent of the cancellation order for commercial applicators?

1. – can commercial applicators still sell the product(s) as long as they already have it on hand in their stocks (in their possession)?

In order to do so, must the commercial applicator be the one who applies the product? OR can a commercial applicator/commercial applicator company sell the product to another certified end user?

2. - are sales, distribution and use for OTT uses (soybeans and cotton) and non-OTT uses (most of the states) are being viewed differently?

We respectfully request a quick turnaround to these questions, so we can meet the needs of our members.

Thanks,

Leo A. Reed
AAPCO, President

Office of Indiana State Chemist
Manager, Certification and Licensing
175 S. University Street
West Lafayette, IN 47907

765-494-1588
www.oisc.purdue.edu

Message

From: Maignan, Tawanda [Maignan.Tawanda@epa.gov]
Sent: 6/10/2020 2:22:35 PM
To: Goodis, Michael [Goodis.Michael@epa.gov]; Bacon, Laura [Bacon.Laura@epa.gov]
CC: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]
Subject: RE: ND permits continued OTT dicamba on soybeans

According Jerry, they have not issued any new 24(c)s and ND is utilizing the ones from December. He mentioned he has received several calls about the article that miscommunicated his statements.

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Wednesday, June 10, 2020 10:11 AM
To: Bacon, Laura <Bacon.Laura@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Maignan, Tawanda <Maignan.Tawanda@epa.gov>
Subject: RE: ND permits continued OTT dicamba on soybeans

Can we contact ND about the article below to see if this is old or new news?

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Bacon, Laura <Bacon.Laura@epa.gov>
Sent: Wednesday, June 10, 2020 8:46 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Maignan, Tawanda <Maignan.Tawanda@epa.gov>
Subject: RE: ND permits continued OTT dicamba on soybeans

Hi Mike,

Tawanda forwarded me this information: The SLNs were received in December, 2019.

State	SLN No (s)	Associated EPA Approved Section 3 (Registrant)	Date SLN Issued by the State	SLN OPP Receipt Date	90-day Due Date	Additional Restrictions from Federal Registration
NORTH DAKOTA	ND200001	7969-345 Engenia Herbicide (BASF Corp)	12/4/2019	12/9/2019	3/8/2020	Extend expiration date; Soybeans; Cutoff date June 30; 45 days after planting, or through V4 (fourth trifoliate), whichever comes first; expires (12/31/2021)

ND200002	524-617 Xtendimax VaporGrip (Monsanto)	12/4/2019	12/9/2019	3/8/2020
ND200003	352-913 Dupont Fexapan Herbicide Plus VaporGrip (Corteva Agriscience)	12/4/2019	12/9/2019	3/8/2020
ND200004	100-1623 Tavium Plus VaporGrip Tech (Syngenta)	12/17/2019	12/18/2019	3/17/2020

We do not have immediate access to the labels themselves because they were paper submissions. If needed, we can reach out to North Dakota to request copies of their labels.

Laura Bacon
Acting Chief, Minor Use and Emergency Response Branch
Registration Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
Phone: (703) 305-7390

From: Goodis, Michael <Goodis.Michael@epa.gov>
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Can you forward them to us please.
Also when did they come in?

Michael L. Goodis, P.E.

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From: Bacon, Laura <Bacon.Laura@epa.gov>
Sent: Wednesday, June 10, 2020 8:05 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Maignan, Tawanda <Maignan.Tawanda@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: RE: ND permits continued OTT dicamba on soybeans

Hi Mike,

I believe the ND 24Cs came in and have a 6/30 cut-off date.

Tawanda, do you have anything to add?

North Dakota	6/30/2020	ND200001, ND200002, ND200003, ND200004	June 30, 45 days after planting, or R1 (beginning bloom), whichever comes first. Extend expiration date; Soybeans; Cutoff date June 30; 45 days after planting, or through V4 (fourth trifoliate), whichever comes first; expires (12/31/2021)
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Laura Bacon
Acting Chief, Minor Use and Emergency Response Branch
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Sent: Wednesday, June 10, 2020 7:49 AM
To: Bacon, Laura <Bacon.Laura@epa.gov>; Maignan, Tawanda <Maignan.Tawanda@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: FW: ND permits continued OTT dicamba on soybeans

Have we seen these ND 24cs yet?

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

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Room S7623

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Subject: FW: ND permits continued OTT dicamba on soybeans

Hi Jonathan:

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Subject: RE: ND permits continued OTT dicamba on soybeans

Yes.

Laura Bacon
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CC: Kenny, Daniel [Kenny.Dan@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Maignan, Tawanda [Maignan.Tawanda@epa.gov]
Subject: RE: ND permits continued OTT dicamba on soybeans

Hi Mike,

From Tawanda: We have not received any additional 24(c)s from ND for dicamba. If they recently issued new 24(c)s since the cancellation order we would likely not have those in house yet. However, I did check the electronic 24c mailbox and there is nothing new from ND.

Laura Bacon
Acting Chief, Minor Use and Emergency Response Branch
Registration Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
Phone: (703) 305-7390

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Wednesday, June 10, 2020 9:33 AM
To: Becker, Jonathan <Becker.Jonathan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Bacon, Laura <Bacon.Laura@epa.gov>
Subject: RE: ND permits continued OTT dicamba on soybeans

ND issued 24cs for these products in Dec restricting use with the cut off date of June 30.

Do we know if the notice below is referring to the Dec action or was there a more recent action?

Need to know as soon as we can. Thanks

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Becker, Jonathan <Becker.Jonathan@epa.gov>
Sent: Wednesday, June 10, 2020 7:44 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: ND permits continued OTT dicamba on soybeans

Hi Meg,

We just have access to the summary level Agbio news service, so all I have is the paragraph that I sent below. I'll keep checking to see if they have any follow articles.

Sorry,

Jonathan

From: Hathaway, Margaret
Sent: Tuesday, June 09, 2020 6:09 PM
To: Becker, Jonathan <Becker.Jonathan@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: FW: ND permits continued OTT dicamba on soybeans

Hi Jonathan:

I don't know. But could you please send me a PDF of the article? I don't have a subscription to Agbio, so can't see the specifics of what is being reported. I did see the following news release on ND's government website:

<https://www.nd.gov/ndda/news/news-release-north-dakota-specific-label-announced-dicamba>

CCing some more RD folks for their awareness.

- Meg

From: Becker, Jonathan <Becker.Jonathan@epa.gov>
Sent: Monday, June 08, 2020 1:53 PM
To: Chism, William <Chism.Bill@epa.gov>; Tindall, Kelly <tindall.kelly@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>; Kiely, Timothy <Kiely.Timothy@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: ND permits continued OTT dicamba on soybeans

How does this work? Don't they have to have a valid Section 3 label in place before they can issue a Section 24c?

North Dakota Permits Dicamba Use on Soybeans

North Dakota's Agriculture Commissioner has issued a state registration allowing growers to apply three dicamba formulations to dicamba-tolerant soybeans, despite the decision by a US appeals court to reject the EPA's registration permit for the herbicide (see [AgbioNews Jun 4, 2020](#)) which has effectively banned the sale of dicamba-based products. The three products permitted for use in North Dakota are Bayer's XtendiMax, BASF's Engenia, and Corteva's FeXapan.

Message

From: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Sent: 6/16/2020 6:01:42 PM
To: Goodis, Michael [Goodis.Michael@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: Fwd: Section 18 Requests for Dicamba Products and status of current 24c Dicamba registrations

Sent from my iPhone

Begin forwarded message:

From: "Maignan, Tawanda" <Maignan.Tawanda@epa.gov>
Date: June 16, 2020 at 9:57:19 AM EDT
To: Kevin Haack <Kevin.Haack@TexasAgriculture.gov>, "Bacon, Laura" <Bacon.Laura@epa.gov>, "Rosenblatt, Daniel" <Rosenblatt.Dan@epa.gov>
Cc: Michael Kelly <Michael.Kelly@TexasAgriculture.gov>
Subject: RE: Section 18 Requests for Dicamba Products and status of current 24c Dicamba registrations

Hello Kevin – I am looping in Dan Rosenblatt because he is better suited to offer you direction on this. Wish I could be of more assistance.

Regards- Tawanda

*Tawanda Maignan
Emergency Response Team Leader
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 308-8050*

From: Kevin Haack <Kevin.Haack@TexasAgriculture.gov>
Sent: Tuesday, June 16, 2020 9:28 AM
To: Maignan, Tawanda <Maignan.Tawanda@epa.gov>; Bacon, Laura <Bacon.Laura@epa.gov>
Cc: Michael Kelly <Michael.Kelly@TexasAgriculture.gov>
Subject: Section 18 Requests for Dicamba Products and status of current 24c Dicamba registrations

Tawanda,

I just wanted to inform you that the **South Texas Cotton and Grain Association Inc.** and the **Plains Cotton Growers, Inc.** have requested Section 18's to allow use of ENGINIA, Xtendimax, and FeXapan on cotton, maintaining their previously Authorized provisions.

Are the 24c registrations for ENGINIA, Xtendimax, and FeXapan on cotton still valid thru December 20, 2020?

If the 24c registrations are no longer valid then the requesters would like to incorporate those instructions into the Section 18 provisions.

What are your thoughts ? Concerns of Texas proceeding with these requests?

Thanks ,

Kevin

Kevin D. Haack

Coordinator for Pesticide Product Evaluation and Registration

Texas Department of Agriculture

P.O. Box 12847

Austin, TX 78711

Phone: (512) 463-6982

Email: Kevin.Haack@TexasAgriculture.gov

Website: www.TexasAgriculture.gov

"TEXAS AGRICULTURE
Matters!"

Message

From: Nesci, Kimberly [Nesci.Kimberly@epa.gov]
Sent: 3/31/2020 3:09:27 PM
To: Goodis, Michael [Goodis.Michael@epa.gov]
Subject: RE: Slides for Dicamba Bayer Teleconference Today at 10am

Thanks! I know it's not intentional.

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Tuesday, March 31, 2020 10:59 AM
To: Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Subject: RE: Slides for Dicamba Bayer Teleconference Today at 10am

I reminded Dan.

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Sent: Tuesday, March 31, 2020 9:37 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Subject: FW: Slides for Dicamba Bayer Teleconference Today at 10am

Hey Mike,

Can you try to make sure Monisha gets invited to these types of meetings? Even if the topic isn't specifically related to the BEAD work, which seems to be the case below, it's still helpful for the team to know what's going on. We can send a staff person if we don't think it warrants BC time.

Thank you,
Kimberly

Kimberly Nesci, Acting Director
Biological and Economic Analysis Division (BEAD)
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
703-308-8059

From: Matuszko, Jan <Matuszko.Jan@epa.gov>
Sent: Tuesday, March 31, 2020 8:48 AM
To: Anderson, Brian <Anderson.Brian@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>
Subject: FW: Slides for Dicamba Bayer Teleconference Today at 10am

Here is the presentation on the additive.

From: Matuszko, Jan
Sent: Monday, March 30, 2020 9:54 AM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: FW: Slides for Dicamba Bayer Teleconference Today at 10am

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 30, 2020 9:19 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Farruggia, Frank <Farruggia.Frank@epa.gov>; Peck, Charles <Peck.Charles@epa.gov>; Wait, Monica <Wait.Monica@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>
Subject: Slides for Dicamba Bayer Teleconference Today at 10am

Good morning, all:
Here are the slides for our dicamba teleconference with Bayer, coming up at 10am.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Sunday, March 29, 2020 1:46 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg,

Attached is a copy of the slides that will be covered on our call. Additional notes on the content of the slides are provided.

I sent an invite on Friday for our call. The invite includes the link to the Skype call (video and audio). You can forward the invite to your colleagues who will be attending. The link is also provided below. I will get on the call 10 minutes early (9:50 a.m.). If you can join few minutes early, we can test the connection.

Join Skype Meeting

Trouble Joining? [Try Skype Web App](#)

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Tel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Sent: Friday, March 27, 2020 4:12 PM

To: George Sabbagh <george.sabbagh@bayer.com>

Cc: BCSReg_Archive <esepamailbox@bayer.com>

Subject: RE: Seeking your Input.

Hello George:

I've gotten direction that for our Monday meeting, my office would actually prefer if Bayer could set up the Skype meeting and provide connection information to EPA staff. Would that be possible? If so, you can email me the meeting details and I will forward them to the appropriate people in my office.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>

Sent: Tuesday, March 24, 2020 7:37 AM

To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: BCSReg_Archive <esepamailbox@bayer.com>

Subject: RE: Seeking your Input.

Thank you Meg. I will supply the slide deck when completed.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 23, 2020 5:05 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Seeking your Input.

Great! Thank you, George, for the confirmation.

On Monday at 10am, please use the following link to join the skype conference call.

Join Skype Meeting

Trouble Joining? [Try Skype Web App](#)

Please keep me posted as your team develops any presentation materials that should be shared with the group.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Monday, March 23, 2020 3:42 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg, Monday March 30th 10:00 – 11:00 a.m. works well. Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Monday, March 23, 2020 1:01 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input

Dan, Resending the request.

Please, let me know if you need more information.

Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Tuesday, March 17, 2020 8:32 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: Seeking your Input

Hi Dan,

Following up on our call last week.

Bayer is looking to set up a meeting with the Agency (latter part of next week or the week after) to share data from testing the adjuvant VaporGrip X with the Product XtendiMax.

Results from field trials conducted by Bayer and Academics with the VaporGrip X have shown positive response to reducing off-target movement of XtendiMax. During the meeting, Bayer will go over these trials, share the results and discuss further plans.

Meeting information:

Proposed dates: March 26-27, or Week of March 30.

Proposed Agenda: Review of results from Testing VaporGrip X with Xtendimax

Attendees:

- Bayer Regulatory affairs and Environmental Safety
- EPA RD and EFED

Looking forward to hearing from you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

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The information contained in this e-mail is for the exclusive use of the intended recipient(s) and may be confidential, proprietary, and/or legally privileged. Inadvertent disclosure of this message does not constitute a waiver of any privilege. If you receive this message in error, please do not directly or indirectly use, print, copy, forward, or disclose any part of this message. Please also delete this e-mail and all copies and notify the sender. Thank you.

Message

From: Goodis, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=50ED0B92DC4945B7A808FE8DBC9224F0-MICHAEL GOODIS]
Sent: 10/1/2020 5:25:16 PM
To: Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Matuszko, Jan [Matuszko.Jan@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
CC: Messina, Edward [Messina.Edward@epa.gov]
Subject: FW: Rep. Guest and 30+ members Dicamba Registration Letter
Attachments: 20.09.30 DICAMBA REGISTRATION LETTER.pdf; 09 17 2020 - Dicamba - Chairman Peterson RM Conaway.pdf

FYI

Michael L. Goodis, P.E.
Acting Deputy Director for Programs
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

From: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Sent: Thursday, October 01, 2020 11:37 AM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Grable, Melissa <Grable.Melissa@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: Rep. Guest and 30+ members Dicamba Registration Letter

Heads up on a new Dicamba letter. We'll enter it into CMS and control to OCSPP. Similar to the 9/17 House Ag letter. Thanks,
Sven

Sven-Erik Kaiser
Office of Congressional and Intergovernmental Relations
U.S. Environmental Protection Agency
202-566-2753
kaiser.sven-erik@epa.gov

From: White, Bubba <Joseph.WhiteIII@mail.house.gov>
Sent: Wednesday, September 30, 2020 3:49 PM
To: Washam, Todd <Washam.Todd@epa.gov>
Cc: Kolb, John (JohnMark) <kolb.john@epa.gov>; Solomon, Maya <Maya.Solomon@mail.house.gov>
Subject: Dicamba Registration Letter

Todd,

Please see the attached bipartisan letter to Administrator Wheeler from 32 members of Congress encouraging the issuance off new registrations for four dicamba products: Engenia®, Xtendimax®, FeXapan®, and Tavium®. We also support issuance of these registrations quickly and in simple, clear, and understandable language so that producers can make herbicide and seed purchasing decisions ahead of the 2021 crop year.

Please let us know if you have any questions. A hard copy has been put in the mail.

Best,
Bubba



Bubba White

Legislative Assistant

Rep. Michael Guest (MS-03)

202.226.8289 – Office

202.981-3106 – Cell

230 Cannon HOB

Washington, DC 20515



Message

From: Goodis, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=50ED0B92DC4945B7A808FE8DBC9224F0-MICHAEL GOODIS]
Sent: 8/18/2020 5:56:52 PM
To: Keigwin, Richard [Keigwin.Richard@epa.gov]
CC: Messina, Edward [Messina.Edward@epa.gov]
Subject: RE: Impact of Irrigation

Got it.

Michael L. Goodis, P.E.
Acting Deputy Director for Programs
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Tuesday, August 18, 2020 1:49 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>
Subject: RE: Impact of Irrigation

I just spoke with Stanley. Would probably be best for the team (maybe Meg?) to reach out to him to get some time scheduled. He's going to do the study, so he wants it to be something that we would find helpful. Thanks!

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Tuesday, August 18, 2020 1:27 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>
Subject: FW: Impact of Irrigation

Rick

See below – the team is interested in the information and is open to call to discuss its design.
Let me know how best to hook them up when ready.

Michael L. Goodis, P.E.
Acting Deputy Director for Programs
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

From: Matuszko, Jan <Matuszko.Jan@epa.gov>
Sent: Tuesday, August 18, 2020 12:50 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Anderson, Brian <Anderson.Brian@epa.gov>

Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Subject: RE: Impact of Irrigation

After consulting with the team, we think this is a study we could be interested in seeing. We think the theory they want to test is that watering in with irrigation reduces volatility. We would be interested in data along those lines but it always helps to see a protocol first. We are also interested in the off-site movement or irrigation/rainfall runoff to adjacent fields with plants to see if damage occurs. We saw this in some of the conditional registrant studies (from rain, not irrigation) but we don't know how much dicamba was present in the runoff to cause damage.

While I think we already have plenty of meetings on the table, one option would be to have a call with them sometime in the future. 30 minutes could probably give us the time to let them know what our concerns are and see if they can address that in their study as designed, or with modifications. It's unclear to me what the timing is on this.

From: Keigwin, Richard <Keigwin.Richard@epa.gov>

Sent: Tuesday, August 18, 2020 7:37 AM

To: Goodis, Michael <Goodis.Michael@epa.gov>

Cc: Messina, Edward <Messina.Edward@epa.gov>

Subject: RE: Impact of Irrigation

I believe they were trying to get the trial in the field within the next week or so.

From: Goodis, Michael <Goodis.Michael@epa.gov>

Sent: Monday, August 17, 2020 9:31 PM

To: Keigwin, Richard <Keigwin.Richard@epa.gov>

Cc: Messina, Edward <Messina.Edward@epa.gov>

Subject: FW: Impact of Irrigation

Rick

EFED/RD confirmed that that the study was received – only one plot with the standard tank mix was irrigated and the other with the VGX was not.

EFED has not completed an analysis of this data to see if watering in has any promise compared to other studies.

When do they need to know whether or not to conduct another trial? Would prefer to wait until we have reviewed the data before making a recommendation.

Michael L. Goodis, P.E.

Acting Deputy Director for Programs

Office of Pesticide Programs

Office of Chemical Safety and Pollution Prevention

U.S. Environmental Protection Agency

Washington, D.C.

703-308-8157

From: Matuszko, Jan <Matuszko.Jan@epa.gov>

Sent: Monday, August 17, 2020 5:09 PM

To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>

Cc: Messina, Edward <Messina.Edward@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Anderson, Brian

<Anderson.Brian@epa.gov>

Subject: RE: Impact of Irrigation

The University of GA study was submitted with the other academic VGX data. EFED initially thought both trials had watered in the dicamba, but upon receiving this email realized the VGX did not. We have not yet done an analysis of this data to see if watering in has any promise compared to other studies. At this point if they want to do another study watering in the dicamba they can, but as Rick indicated below, we won't be able to use it for this assessment.

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Sent: Monday, August 17, 2020 2:42 PM

To: Goodis, Michael <Goodis.Michael@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>

Cc: Messina, Edward <Messina.Edward@epa.gov>

Subject: RE: Impact of Irrigation

Hello Mike:

I believe Rick is describing a University of Georgia trial that's cited by Bayer in the attached document "Summary of Studies Conducted with MON 51817 in XtendiMax® With VaporGrip® Technology Tank Mixtures."

A summary of this U of GA research begins on page 25 of the attachment and states that:

"Dr. Stanley Culpepper at the University of Georgia tested dicamba volatility on two side-by-side plots of 8 acres each. The first plot was applied with the standard tank mix, while the second plot had the additional VaporGrip in the tank mix. Following the applications, the first plot was irrigated two hours after application using an overhead pivot (approximately 0.5"). Irrigation of the first plot lasted for about 7 hours; the second plot received no irrigation."

I defer to EFED on whether or not another study of this type would be useful. However, it's my understanding that EFED hasn't had time to finish looking at this first one yet.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Goodis, Michael <Goodis.Michael@epa.gov>

Sent: Monday, August 17, 2020 1:37 PM

To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>

Cc: Messina, Edward <Messina.Edward@epa.gov>

Subject: FW: Impact of Irrigation

Please see the ask below – was this information submitted and would we want them to run another study considering the timing?

Michael L. Goodis, P.E.
Acting Deputy Director for Programs
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention

ED_005570D_00050106-00003

U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Monday, August 17, 2020 12:05 PM
To: Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: Impact of Irrigation

The University of GA is doing some work on the potential impact that irrigation might have on reducing the volatility of over-the-top herbicides. They apparently did some work last year that should have been submitted with the package being considered for the upcoming decision. Do you know if it came in? They are interested in doing another study, but only if the team thinks it would be helpful (knowing that the second year of data would likely not be available for the upcoming decision).

Rick Keigwin
Acting Deputy Assistant Administrator for Management
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency
Phone: 202-564-2910
Mobile: 571-438-1204
Email: keigwin.richard@epa.gov

Message

From: Goodis, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=50ED0B92DC4945B7A808FE8DBC9224F0-MICHAEL GOODIS]
Sent: 8/18/2020 12:02:34 PM
To: Keigwin, Richard [Keigwin.Richard@epa.gov]
CC: Messina, Edward [Messina.Edward@epa.gov]
Subject: RE: Impact of Irrigation

Will check with EFED on whether they can give it a quick look and render an opinion.

Michael L. Goodis, P.E.
Acting Deputy Director for Programs
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Tuesday, August 18, 2020 7:37 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>
Subject: RE: Impact of Irrigation

I believe they were trying to get the trial in the field within the next week or so.

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Monday, August 17, 2020 9:31 PM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>
Subject: FW: Impact of Irrigation

Rick

EFED/RD confirmed that that the study was received – only one plot with the standard tank mix was irrigated and the other with the VGX was not.
EFED has not completed an analysis of this data to see if watering in has any promise compared to other studies.
When do they need to know whether or not to conduct another trial? Would prefer to wait until we have reviewed the data before making a recommendation.

Michael L. Goodis, P.E.
Acting Deputy Director for Programs
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

From: Matuszko, Jan <Matuszko.Jan@epa.gov>
Sent: Monday, August 17, 2020 5:09 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Echeverria,

Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>; Corbin, Mark <Corbin.Mark@epa.gov>; Anderson, Brian <Anderson.Brian@epa.gov>
Subject: RE: Impact of Irrigation

The University of GA study was submitted with the other academic VGX data. EFED initially thought both trials had watered in the dicamba, but upon receiving this email realized the VGX did not. We have not yet done an analysis of this data to see if watering in has any promise compared to other studies. At this point if they want to do another study watering in the dicamba they can, but as Rick indicated below, we won't be able to use it for this assessment.

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, August 17, 2020 2:42 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>
Subject: RE: Impact of Irrigation

Hello Mike:

I believe Rick is describing a University of Georgia trial that's cited by Bayer in the attached document "Summary of Studies Conducted with MON 51817 in XtendiMax® With VaporGrip® Technology Tank Mixtures."

A summary of this U of GA research begins on page 25 of the attachment and states that:

"Dr. Stanley Culpepper at the University of Georgia tested dicamba volatility on two side-by-side plots of 8 acres each. The first plot was applied with the standard tank mix, while the second plot had the additional VaporGrip in the tank mix. Following the applications, the first plot was irrigated two hours after application using an overhead pivot (approximately 0.5"). Irrigation of the first plot lasted for about 7 hours; the second plot received no irrigation."

I defer to EFED on whether or not another study of this type would be useful. However, it's my understanding that EFED hasn't had time to finish looking at this first one yet.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Monday, August 17, 2020 1:37 PM
To: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Matuszko, Jan <Matuszko.Jan@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>
Subject: FW: Impact of Irrigation

Please see the ask below – was this information submitted and would we want them to run another study considering the timing?

Michael L. Goodis, P.E.

Acting Deputy Director for Programs
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
703-308-8157

From: Keigwin, Richard <Keigwin.Richard@epa.gov>

Sent: Monday, August 17, 2020 12:05 PM

To: Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>

Subject: Impact of Irrigation

The University of GA is doing some work on the potential impact that irrigation might have on reducing the volatility of over-the-top herbicides. They apparently did some work last year that should have been submitted with the package being considered for the upcoming decision. Do you know if it came in? They are interested in doing another study, but only if the team thinks it would be helpful (knowing that the second year of data would likely not be available for the upcoming decision).

Rick Keigwin
Acting Deputy Assistant Administrator for Management
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency
Phone: 202-564-2910
Mobile: 571-438-1204
Email: keigwin.richard@epa.gov

Message

From: Goodis, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=50ED0B92DC4945B7A808FE8DBC9224F0-MICHAEL GOODIS]
Sent: 6/9/2020 1:43:39 PM
To: Keigwin, Richard [Keigwin.Richard@epa.gov]
CC: Messina, Edward [Messina.Edward@epa.gov]
Subject: RE: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

Understood

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Tuesday, June 09, 2020 9:39 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>
Subject: RE: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

Newest update: Alex wants to get something out this morning.

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Tuesday, June 09, 2020 9:33 AM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>
Subject: RE: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

Got it.

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Tuesday, June 09, 2020 9:23 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>
Subject: Re: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

I'm talking with OGC at 10am to find out who their point will be. Then we'll connect them. Maybe in the meantime, Meg could start building the Teams site?

Rick Keigwin
Director, Office of Pesticide Programs

U.S. Environmental Protection Agency
Phone: 703-305-7090
Website: <http://www.epa.gov/pesticides>
Sent from my iPhone (Please excuse typos!)

On Jun 9, 2020, at 9:21 AM, Goodis, Michael <Goodis.Michael@epa.gov> wrote:

I think Meg Hathaway would be a good fit for this.

If ok, how do you want me to get her plugged in?

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Tuesday, June 09, 2020 8:47 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Subject: RE: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

Thanks. I know you know this is urgent (and the team is swamped).

Just hearing that the Administrator is meeting with the American Farm Bureau Federation tomorrow. I suspect he'll get these questions and he'll need to be able to answer at least some of them.

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Tuesday, June 09, 2020 8:27 AM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Subject: RE: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

Will get back to you soon.

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Tuesday, June 09, 2020 8:18 AM
To: Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: FW: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

As you can imagine, we are starting to get a lot of questions about what different provisions in the cancellation order mean. For example, some of the questions we've received include:

1. If the retailer has a commercial applicator business, can that commercial applicator apply product that was in the retail warehouse as of June 3, 2020?
2. If the retailer has inventory in stock that had been purchased by a grower prior to June 3, 2020, but not yet delivered, can that product be applied by a commercial applicator? The order appears to prohibit delivery of that product to the purchasing grower.
3. If a retailer is storing product for a grower who may have already bought it, can the grower have it? Or since it is in the retailer's facility, can they not take possession?
4. What is the legal status of the movement of product that states allowed between June 3rd and June 8th?

We need someone from RD to be part of the group to work with OGC to develop responses. Who could that be? Probably need a name as early as possible this morning. OGC has also suggested that a Microsoft Teams site be created to facilitate getting answers drafted.

From: Keigwin, Richard

Sent: Monday, June 08, 2020 7:48 PM

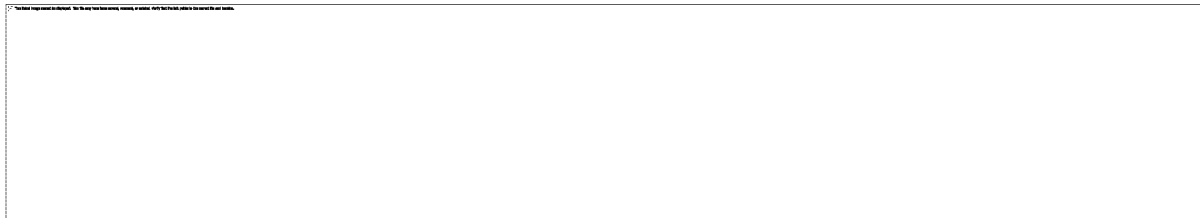
To: Messina, Edward <Messina.Edward@epa.gov>; Arnold Layne (Layne.Arnold@epa.gov) <Layne.Arnold@epa.gov>; OPP Division Directors <OPP_Division_Directors@epa.gov>; OPP Deputy & Associate Directors <OPP_Deputy_&Associate_Directors@epa.gov>; Darlene Dinkins (Dinkins.Darlene@epa.gov) <Dinkins.Darlene@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>

Subject: FW: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

From: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>

Sent: Monday, June 08, 2020 7:46 PM

Subject: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations



EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

WASHINGTON (June 8, 2020) – Today, the U.S. Environmental Protection Agency (EPA) issued a key order providing farmers with needed clarity following the Ninth Circuit Court of Appeals' June 3, 2020 vacatur of three dicamba registrations. Today's cancellation order outlines limited and specific circumstances under which existing stocks of the three affected dicamba products can be

used for a limited period of time. EPA's order will advance protection of public health and the environment by ensuring use of existing stocks follows important application procedures.

"At the height of the growing season, the Court's decision has threatened the livelihood of our nation's farmers and the global food supply," said **EPA Administrator Andrew Wheeler**. "Today's cancellation and existing stocks order is consistent with EPA's standard practice following registration invalidation, and is designed to advance compliance, ensure regulatory certainty, and to prevent the misuse of existing stocks."

EPA's order will mitigate some of the devastating economic consequences of the Court's decision for growers, and particularly rural communities, at a time they are experiencing great stress due to the COVID-19 public health emergency.

Details of the Order

EPA's order addresses sale, distribution, and use of existing stocks of the three affected dicamba products - XtendiMax with vapor grip technology, Engenia, and FeXapan.

1. Distribution or sale by any person is generally prohibited except for ensuring proper disposal or return to the registrant.
2. Growers and commercial applicators may use existing stocks that were in their possession on June 3, 2020, the effective date of the Court decision. Such use must be consistent with the product's previously-approved label, and may not continue after July 31, 2020.

Background

On June 3, 2020, the Ninth Circuit Court of Appeals issued an order vacating EPA's pesticide registrations containing the active ingredient dicamba: Xtendimax with Vaporgrip Technology (EPA Reg. No. 524-617); Engenia - (EPA Reg. No. 7969-345); and FeXapan - (EPA Reg. No. 352-913).

Dicamba is a valuable pest control tool that farmers nationwide planned to use during the 2020 growing season. Since the Court issued its opinion, the agency has been overwhelmed with letters and calls from farmers citing the devastation of this decision on the millions of acres of crops, millions of dollars already invested by farmers, and threat to America's food supply.

Please let me know if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

Message

From: Goodis, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=50ED0B92DC4945B7A808FE8DBC9224F0-MICHAEL GOODIS]
Sent: 6/15/2020 1:42:14 PM
To: Keigwin, Richard [Keigwin.Richard@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]
Subject: Fwd: Dicamba ban

Interesting feedback that I thought you should hear.

Sent from my iPhone

Begin forwarded message:

From: "Hathaway, Margaret" <Hathaway.Margaret@epa.gov>
Date: June 15, 2020 at 9:17:11 AM EDT
To: "Rosenblatt, Daniel" <Rosenblatt.Dan@epa.gov>, "Goodis, Michael" <Goodis.Michael@epa.gov>, "Aubee, Catherine" <Aubee.Catherine@epa.gov>
Cc: "Kenny, Daniel" <Kenny.Dan@epa.gov>, "Schmid, Emily" <Schmid.Emily@epa.gov>
Subject: FW: Dicamba ban

FYI: Perspective from Dr. Steve Li on what growers are doing in his area now regarding dicamba.

From: Steve Li <xzl0004@auburn.edu>
Sent: Saturday, June 13, 2020 9:08 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Dicamba ban

Thanks Meg! The EPA order allowing dicamba to be applied until July 31 is definitely helping a lot. Lots of dicamba are being sprayed these days. However, we are seeing a lot of illegal use or generics when people can not get Xtendimax, Engenia and FeXapan. Tavium supply is very tight, which worsen this problem. Hope a new formulation can be approved this fall.

Steve

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Thursday, June 11, 2020 5:38 PM
To: Steve Li <xzl0004@auburn.edu>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Dicamba ban

Hello Steve:

Unfortunately, we are still trying to find answers to the same questions. We will try to follow up as soon as we can get information on this situation.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov

(703) 305-5076

From: Steve Li <xzl0004@auburn.edu>
Sent: Thursday, June 04, 2020 7:11 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Dicamba ban

Hi Meg,

Hope you and your colleagues are doing well in the middle of unrest! Sad to see the dicamba ban verdict came out yesterday. I am curious when EPA may release any form of instructions regarding dicamba applications for the remaining season? There are a lot of panic buying of dicamba today as many farmers are trying to "stock up". Several chemical dealers said their phones have become a "dicamba hotline" and sold out 1 yr worth of dicamba sales within a day. Some growers still want to buy but were not able to get any product as manufacturers do not allow dealers place order anymore. My concern is some may stock up and use old illegal formulations if they cannot get labeled products. Lots of acreage will be sprayed in the next few days because of the uncertainty, possibly under not so great conditions. I got a dozen inquiries from growers but do not really know what to tell them.

Thanks!

--Steve Li, PhD

Extension Specialist, Assistant Professor
Department of Crop, Soil and Environmental Sciences
Auburn University
Auburn, AL 36849.
O: 334-844-3804; C: 334-707-7370
steveli@auburn.edu



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Message

From: Goodis, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=50ED0B92DC4945B7A808FE8DBC9224F0-MICHAEL GOODIS]
Sent: 6/9/2020 1:39:45 PM
To: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]
Subject: FW: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

Meg – please keep us in the loop. Thanks

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Tuesday, June 09, 2020 9:39 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>
Subject: RE: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

Newest update: Alex wants to get something out this morning.

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Tuesday, June 09, 2020 9:33 AM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>
Subject: RE: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

Got it.

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Tuesday, June 09, 2020 9:23 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>
Subject: Re: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

I'm talking with OGC at 10am to find out who their point will be. Then we'll connect them. Maybe in the meantime, Meg could start building the Teams site?

Rick Keigwin

Director, Office of Pesticide Programs
U.S. Environmental Protection Agency
Phone: 703-305-7090
Website: <http://www.epa.gov/pesticides>
Sent from my iPhone (Please excuse typos!)

On Jun 9, 2020, at 9:21 AM, Goodis, Michael <Goodis.Michael@epa.gov> wrote:

I think Meg Hathaway would be a good fit for this.

If ok, how do you want me to get her plugged in?

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Tuesday, June 09, 2020 8:47 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Subject: RE: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

Thanks. I know you know this is urgent (and the team is swamped).

Just hearing that the Administrator is meeting with the American Farm Bureau Federation tomorrow. I suspect he'll get these questions and he'll need to be able to answer at least some of them.

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Sent: Tuesday, June 09, 2020 8:27 AM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Subject: RE: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

Will get back to you soon.

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
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To: Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: FW: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

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1. If the retailer has a commercial applicator business, can that commercial applicator apply product that was in the retail warehouse as of June 3, 2020?
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We need someone from RD to be part of the group to work with OGC to develop responses. Who could that be? Probably need a name as early as possible this morning. OGC has also suggested that a Microsoft Teams site be created to facilitate getting answers drafted.

From: Keigwin, Richard

Sent: Monday, June 08, 2020 7:48 PM

To: Messina, Edward <Messina.Edward@epa.gov>; Arnold Layne (Layne.Arnold@epa.gov) <Layne.Arnold@epa.gov>; OPP Division Directors <OPP_Division_Directors@epa.gov>; OPP Deputy & Associate Directors <OPP_Deputy_&_Associate_Directors@epa.gov>; Darlene Dinkins (Dinkins.Darlene@epa.gov) <Dinkins.Darlene@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>

Subject: FW: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

From: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>

Sent: Monday, June 08, 2020 7:46 PM

Subject: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations



EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

WASHINGTON (June 8, 2020) – Today, the U.S. Environmental Protection Agency (EPA) issued a key order providing farmers with needed clarity following the Ninth Circuit Court of Appeals' June 3, 2020 vacatur of three dicamba registrations. Today's cancellation order outlines limited and

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"At the height of the growing season, the Court's decision has threatened the livelihood of our nation's farmers and the global food supply," said **EPA Administrator Andrew Wheeler**. "Today's cancellation and existing stocks order is consistent with EPA's standard practice following registration invalidation, and is designed to advance compliance, ensure regulatory certainty, and to prevent the misuse of existing stocks."

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Details of the Order

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Dicamba is a valuable pest control tool that farmers nationwide planned to use during the 2020 growing season. Since the Court issued its opinion, the agency has been overwhelmed with letters and calls from farmers citing the devastation of this decision on the millions of acres of crops, millions of dollars already invested by farmers, and threat to America's food supply.

Please let me know if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

Message

From: Goodis, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=50ED0B92DC4945B7A808FE8DBC9224F0-MICHAEL GOODIS]
Sent: 6/9/2020 1:35:59 PM
To: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]
Subject: FW: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

Meg

See below to set up a Teams site.

Also I suggest you approach things that are reasonable and not to get too wound up with the legal interpretations. Think about how a grower would view it and if it makes sense.

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Tuesday, June 09, 2020 9:23 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>
Subject: Re: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

I'm talking with OGC at 10am to find out who their point will be. Then we'll connect them. Maybe in the meantime, Meg could start building the Teams site?

Rick Keigwin
Director, Office of Pesticide Programs
U.S. Environmental Protection Agency
Phone: 703-305-7090
Website: <http://www.epa.gov/pesticides>
Sent from my iPhone (Please excuse typos!)

On Jun 9, 2020, at 9:21 AM, Goodis, Michael <Goodis.Michael@epa.gov> wrote:

I think Meg Hathaway would be a good fit for this.

If ok, how do you want me to get her plugged in?

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157

Room S7623

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Tuesday, June 09, 2020 8:47 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Subject: RE: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

Thanks. I know you know this is urgent (and the team is swamped).

Just hearing that the Administrator is meeting with the American Farm Bureau Federation tomorrow. I suspect he'll get these questions and he'll need to be able to answer at least some of them.

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Tuesday, June 09, 2020 8:27 AM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>
Subject: RE: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

Will get back to you soon.

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Tuesday, June 09, 2020 8:18 AM
To: Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: FW: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

As you can imagine, we are starting to get a lot of questions about what different provisions in the cancellation order mean. For example, some of the questions we've received include:

1. If the retailer has a commercial applicator business, can that commercial applicator apply product that was in the retail warehouse as of June 3, 2020?
2. If the retailer has inventory in stock that had been purchased by a grower prior to June 3, 2020, but not yet delivered, can that product be applied by a commercial applicator? The order appears to prohibit delivery of that product to the purchasing grower.
3. If a retailer is storing product for a grower who may have already bought it, can the grower have it? Or since it is in the retailer's facility, can they not take possession?
4. What is the legal status of the movement of product that states allowed between June 3rd and June 8th?

We need someone from RD to be part of the group to work with OGC to develop responses. Who could that be? Probably need a name as early as possible this morning. OGC has also suggested that a Microsoft Teams site be created to facilitate getting answers drafted.

From: Keigwin, Richard

Sent: Monday, June 08, 2020 7:48 PM

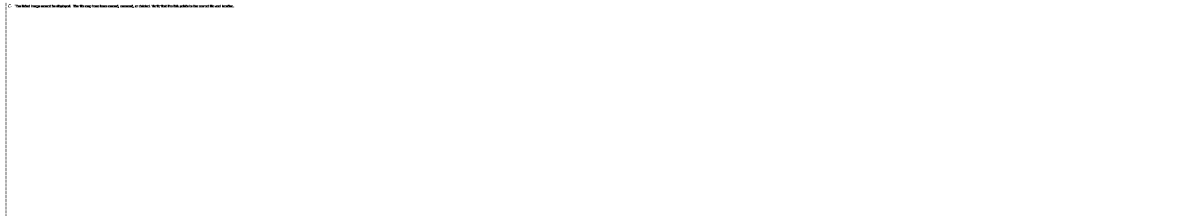
To: Messina, Edward <Messina.Edward@epa.gov>; Arnold Layne (Layne.Arnold@epa.gov) <Layne.Arnold@epa.gov>; OPP Division Directors <OPP_Division_Directors@epa.gov>; OPP Deputy & Associate Directors <OPP_Deputy_&_Associate_Directors@epa.gov>; Darlene Dinkins (Dinkins.Darlene@epa.gov) <Dinkins.Darlene@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>

Subject: FW: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

From: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>

Sent: Monday, June 08, 2020 7:46 PM

Subject: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations



EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

WASHINGTON (June 8, 2020) – Today, the U.S. Environmental Protection Agency (EPA) issued a key order providing farmers with needed clarity following the Ninth Circuit Court of Appeals' June 3, 2020 vacatur of three dicamba registrations. Today's [cancellation order](#) outlines limited and specific circumstances under which existing stocks of the three affected dicamba products can be used for a limited period of time. EPA's order will advance protection of public health and the environment by ensuring use of existing stocks follows important application procedures.

"At the height of the growing season, the Court's decision has threatened the livelihood of our nation's farmers and the global food supply," **said EPA Administrator Andrew Wheeler**. "Today's cancellation and existing stocks order is consistent with EPA's standard practice following registration invalidation, and is designed to advance compliance, ensure regulatory certainty, and to prevent the misuse of existing stocks."

EPA's order will mitigate some of the devastating economic consequences of the Court's decision for growers, and particularly rural communities, at a time they are experiencing great stress due to the COVID-19 public health emergency.

Details of the Order

EPA's order addresses sale, distribution, and use of existing stocks of the three affected dicamba products - XtendiMax with vapor grip technology, Engenia, and FeXapan.

1. Distribution or sale by any person is generally prohibited except for ensuring proper disposal or return to the registrant.
2. Growers and commercial applicators may use existing stocks that were in their possession on June 3, 2020, the effective date of the Court decision. Such use must be consistent with the product's previously-approved label, and may not continue after July 31, 2020.

Background

On June 3, 2020, the Ninth Circuit Court of Appeals issued an order vacating EPA's pesticide registrations containing the active ingredient dicamba: Xtendimax with Vaporgrip Technology (EPA Reg. No. 524-617); Engenia - (EPA Reg. No. 7969-345); and FeXapan - (EPA Reg. No. 352-913).

Dicamba is a valuable pest control tool that farmers nationwide planned to use during the 2020 growing season. Since the Court issued its opinion, the agency has been overwhelmed with letters and calls from farmers citing the devastation of this decision on the millions of acres of crops, millions of dollars already invested by farmers, and threat to America's food supply.

Please let me know if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

Message

From: Goodis, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=50ED0B92DC4945B7A808FE8DBC9224F0-MICHAEL GOODIS]
Sent: 6/23/2020 9:13:03 PM
To: Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]
Subject: RE: Sen. Cardin Inquiry on Dicamba-additional question

Ok – just confirming. Thanks

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Sent: Tuesday, June 23, 2020 5:12 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Subject: Re: Sen. Cardin Inquiry on Dicamba-additional question

I think I'm good- I'll send the link to the order and let her know that's all we can say for now

On Jun 23, 2020, at 4:59 PM, Goodis, Michael <Goodis.Michael@epa.gov> wrote:

Sven

Based on our general with Alex this afternoon – do you think you still need something on this?

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Messina, Edward <Messina.Edward@epa.gov>
Sent: Tuesday, June 23, 2020 2:24 PM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Subject: Fwd: Sen. Cardin Inquiry on Dicamba-additional question

Ed Messina, Esq.
Deputy Office Director (Programs)
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.

p: (703) 347-0209

Begin forwarded message:

From: "Kaiser, Sven-Erik" <Kaiser.Sven-Erik@epa.gov>
Date: June 23, 2020 at 12:30:16 PM EDT
To: "Grable, Melissa" <Grable.Melissa@epa.gov>, "Hanley, Mary" <Hanley.Mary@epa.gov>, "Tyler, Tom" <Tyler.Tom@epa.gov>, "Keigwin, Richard" <Keigwin.Richard@epa.gov>, "Messina, Edward" <Messina.Edward@epa.gov>, "Dinkins, Darlene" <Dinkins.Darlene@epa.gov>, "Frye, Tony (Robert)" <frye.robert@epa.gov>, "Edwards, John (Holt)" <edwards.john@epa.gov>
Subject: RE: Sen. Cardin Inquiry on Dicamba-additional question

Dicamba team – Please see the additional question from Sen. Cardin's staff.

From: Frede, Shannon (Cardin) <Shannon.Frede@cardin.senate.gov>
Sent: Tuesday, June 23, 2020 12:27 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: RE: Sen. Cardin Inquiry on Dicamba

Thanks! I didn't see anything in the order on buy backs, but if there's any additional information, particularly on dicamba-resistant seeds purchased before June 3 you can share with me that would be great.

From: Kaiser, Sven-Erik
Sent: Tuesday, June 23, 2020 11:17 AM
To: Grable, Melissa <Grable.Melissa@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Frye, Tony (Robert) <frye.robert@epa.gov>; Edwards, John (Holt) <edwards.john@epa.gov>
Subject: FW: Sen. Cardin Inquiry on Dicamba

Dicamba team – please see the request below from Sen. Cardin asking where to direct Maryland producer inquiries on Dicamba. Please let me know our response and if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

From: Kaiser, Sven-Erik
Sent: Tuesday, June 23, 2020 11:13 AM
To: 'Frede, Shannon (Cardin)' <Shannon.Frede@cardin.senate.gov>
Subject: Sen. Cardin Inquiry on Dicamba

ED_005570D_00050248-00002

Shannon – thanks for the inquiry on Dicamba. I'm checking on where we're directing producer inquiries and will get back to you shortly. Please let me know if any additional questions. Best,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

From: Frede, Shannon (Cardin) <Shannon_Frede@cardin.senate.gov>
Sent: Monday, June 22, 2020 5:53 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: FW: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

Hi Sven, hope you're well. Where should I direct inquiries from Maryland producers regarding the cancellation order? Thanks!

Take care,

Shannon Frede
Environmental Policy Counsel
Office of Senator Ben Cardin (MD)
Direct Line: (202) 440-2931

Begin forwarded message:

From: "Kaiser, Sven-Erik" <Kaiser.Sven-Erik@epa.gov>
Date: June 8, 2020 at 7:46:35 PM EDT
Subject: Notification: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

WASHINGTON (June 8, 2020) – Today, the U.S. Environmental Protection Agency (EPA) issued a key order providing farmers with needed clarity following the Ninth Circuit Court of Appeals' June 3, 2020 vacatur of three dicamba registrations. Today's [cancellation](#)

order outlines limited and specific circumstances under which existing stocks of the three affected dicamba products can be used for a limited period of time. EPA's order will advance protection of public health and the environment by ensuring use of existing stocks follows important application procedures.

“At the height of the growing season, the Court’s decision has threatened the livelihood of our nation’s farmers and the global food supply,” **said EPA Administrator Andrew Wheeler**. “Today’s cancellation and existing stocks order is consistent with EPA’s standard practice following registration invalidation, and is designed to advance compliance, ensure regulatory certainty, and to prevent the misuse of existing stocks.”

EPA’s order will mitigate some of the devastating economic consequences of the Court’s decision for growers, and particularly rural communities, at a time they are experiencing great stress due to the COVID-19 public health emergency.

Details of the Order

EPA’s order addresses sale, distribution, and use of existing stocks of the three affected dicamba products - XtendiMax with vapor grip technology, Engenia, and FeXapan.

1. Distribution or sale by any person is generally prohibited except for ensuring proper disposal or return to the registrant.
2. Growers and commercial applicators may use existing stocks that were in their possession on June 3, 2020, the effective date of the Court decision. Such use must be consistent with the product’s previously-approved label, and may not continue after July 31, 2020.

Background

On June 3, 2020, the Ninth Circuit Court of Appeals issued an order vacating EPA’s pesticide registrations containing the active ingredient dicamba: Xtendimax with Vaporgrip Technology (EPA Reg. No. 524-617); Engenia - (EPA Reg. No. 7969-345); and FeXapan - (EPA Reg. No. 352-913).

Dicamba is a valuable pest control tool that farmers nationwide planned to use during the 2020 growing season. Since the Court issued its opinion, the agency has been overwhelmed with letters and calls from farmers citing the devastation of this decision on the

millions of acres of crops, millions of dollars already invested by farmers, and threat to America's food supply.

Please let me know if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

Message

From: Goodis, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=50ED0B92DC4945B7A808FE8DBC9224F0-MICHAEL GOODIS]
Sent: 6/2/2020 12:24:53 PM
To: Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
CC: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]
Subject: RE: VaporGrip Extra

Thanks Meg.

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Tuesday, June 02, 2020 8:10 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: RE: VaporGrip Extra

Good morning, Mike:

Yes, HB can confirm that VaporGrip data has been submitted to EPA. The team has not yet reviewed the submissions, but RD has just created a bean for EFED.

The VaporGrip submission package concerns EPA Reg. No. 524-617 (M1768 Herbicide / XtendiMax® With VaporGrip® Technology), and potential benefits claimed from adding MON 51817 (the adjuvant) in a tank mix with M1768 Herbicide. The MRIDs associated with this submission are 51134100 - 51134105.

Detailed Bibliography:

- Transmittal Document (MRID 51134100)
- Summary of Studies Conducted with MON 51817 in XtendiMax® With VaporGrip® Technology Tank Mixtures (MRID 51134101)
- Bibliography of MON 51817 Spray Drift and Volatility Data (MRID 51134102)
- Report: Field Volatility of Spray Solutions Containing Dicamba for Post-emergent Uses: Mon 76980 (22 oz/A) with different tank mix partners (MRID 51134103)
- Report: Deposition and Air Concentration Modeling for Dicamba Formulation MON 76980 with Different Tank Mix Partners – 2018 Arizona Field Trial (MRID 51134104)
- Report: Off-Target Disposition of Spray Solutions Containing Dicamba Formulations MON 76980 and MON 119151 (MRID 51134105)

- Meg

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Tuesday, June 02, 2020 6:43 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: RE: VaporGrip Extra

We have a general with Rick at 11 today.
Any information I can share?

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Goodis, Michael
Sent: Saturday, May 30, 2020 2:36 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: Fwd: VaporGrip Extra

See below. Can we confirm these data were submitted? Let's discuss Monday.

Sent from my iPhone

Begin forwarded message:

From: "Keigwin, Richard" <Keigwin.Richard@epa.gov>
Date: May 30, 2020 at 8:01:18 AM EDT
To: "Goodis, Michael" <Goodis.Michael@epa.gov>, "Echeverria, Marietta" <Echeverria.Marietta@epa.gov>
Cc: "Messina, Edward" <Messina.Edward@epa.gov>
Subject: VaporGrip Extra

Alex met with Bayer yesterday to discuss several topics. One of those topics was their new VaporGrip Extra technology.

I know we only just received the data (Bayer mentioned that they submitted it in early May) so it is likely that the team is only starting to look at those data. With that in mind, it would be helpful to get an early read (even qualitatively) on what the data show in terms of promise for this technology in reducing vapor drift. Bayer will want to engage on this adjuvant soon, so any initial reactions could be helpful in some of the upcoming discussions that are likely to occur.

Rick Keigwin
Director, Office of Pesticide Programs
U.S. Environmental Protection Agency
Phone: 703-305-7090
Website: <http://www.epa.gov/pesticides>
Sent from my iPhone (Please excuse typos!)

Message

From: Goodis, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=50ED0B92DC4945B7A808FE8DBC9224F0-MICHAEL GOODIS]
Sent: 6/11/2020 12:08:18 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
CC: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]
Subject: RE: Dicamba cancellation order - questions from SDDA and NDDA

That's fine – thanks. Let me know how it goes.

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Thursday, June 11, 2020 8:02 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: RE: Dicamba cancellation order - questions from SDDA and NDDA

I'm happy to reach out to her.

Dan

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Wednesday, June 10, 2020 9:42 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: Fwd: Dicamba cancellation order - questions from SDDA and NDDA

I assume we received the same questions from ND and SD. We cannot answer these directly at this time and need to allow the group effort to lead that effort. I have not received any updates on that effort yet.

Might be better to give her a call or I can.

Sent from my iPhone

Begin forwarded message:

From: "Perreault, Peg" <Perreault.Peg@epa.gov>
Date: June 10, 2020 at 6:07:17 PM EDT
To: "Goodis, Michael" <Goodis.Michael@epa.gov>, "Kenny, Daniel" <Kenny.Dan@epa.gov>
Subject: Dicamba cancellation order - questions from SDDA and NDDA

Mike & Dan –

Can you please help us in Region 8 with some questions from S. Dakota and N. Dakota regarding the EPA's dicamba cancellation order? I believe the answer to the three SDDA questions is yes, but I wanted to confirm that with OPP. The question from ND regarding pesticide dealers I need help answering.

I've read the 12 page full cancellation order several times and really need some help to correctly interpret the order. If there is a specific contact person in OPP, OECA, or OGC that I should be contacting, please let me know.

Thank you, Peg

From SDDA:

Can you give us some clarity on enforcement regarding the cancellation order?

Are private applicators allowed to apply the products if they have possession or purchased the products prior to June 3rd?

Does EPA consider possession equal to ownership. If I bought/paid for Engenia from an Ag retailer on March 1 but it is still located at the ag retailer. Can I pick that product up or have it delivered to my place and then apply it to my Dicamba soybeans.

If I am a ag retailer and I bought 5000 gallons of Engenia last fall for fall fill program in November to maximize my discounts, can I commercial apply all 5,000 gallons before South Dakota's cutoff date of June 30th?



Tom Gere, C.C.A
Assistant Director
South Dakota Department of Agriculture
Agricultural Services Division
523 East Capitol Ave
Pierre, SD 57501
Direct: 605.773.4432
Fax: 605.773.3481
sdda.sd.gov

From NDDA:

Can you provide us some clarification on the existing stocks order? It refers to existing stocks already in the possession of persons other than the registrant. Does this mean that pesticide dealers with existing inventories can still commercially apply them or distribute them to farmers?

Summary

This notice announces the Agency's issuance of a final cancellation order for three pesticide products (Xtendimax with VaporGrip Technology, EPA Reg. No. 524-6 17, Engenia, EPA Reg. No. 7969-345, and FeXapan, EPA Reg. No. 352-9 13), containing the active ingredient dicamba pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. sections 136-136y. This order is issued in light of an order of the United States Court of Appeals for the Ninth Circuit vacating these three registrations. Pursuant to the Court's order EPA considers these products no longer to be registered as of the time of the order June 3, 2020. Therefore, with limited exceptions, it is a violation of FIFRA for any person to sell or distribute these products. This cancellation order provides for the disposition of existing stocks of Xtendirnax, Engenia, and FeXapan already in the possession of persons other than the registrant at the time of the order on June 3, 2020, and existing stocks in the possession of the registrant as of the time of the order on June 3, 2020. This cancellation order authorizes limited

distribution of existing stocks of Xtendimax, Engenia, and FeXapan by commercial applicators and authorizes all other sale or distribution of existing stocks only to facilitate return to the manufacturer or for proper disposal. This cancellation order prohibits any use of existing stocks that is inconsistent with the previously-approved product labeling and prohibits use beyond July 31, 2020.

Eric Delzer

Pesticide & Fertilizer Program Director

ND Department of Agriculture

701-328-1508

www.nd.gov/ndda



Peg Perreault

Pesticide Team

EPA Region 8, Denver

303-312-6286

perreault.peg@epa.gov

Message

From: Goodis, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=50ED0B92DC4945B7A808FE8DBC9224F0-MICHAEL GOODIS]
Sent: 6/10/2020 2:52:14 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]
Subject: FW: ND permits continued OTT dicamba on soybeans

FYI

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Bacon, Laura <Bacon.Laura@epa.gov>
Sent: Wednesday, June 10, 2020 10:24 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Maignan, Tawanda <Maignan.Tawanda@epa.gov>
Subject: RE: ND permits continued OTT dicamba on soybeans

Mike,

Tawanda contacted ND and received a response that indicates there are no additional submissions since December.

From Tawanda: According to Jerry, they have not issued any new 24(c)s and ND is utilizing the ones from December. He mentioned he has received several calls about the article that miscommunicated his statements.

Thank you,

Laura Bacon
Acting Chief, Minor Use and Emergency Response Branch
Registration Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
Phone: (703) 305-7390

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Wednesday, June 10, 2020 10:11 AM
To: Bacon, Laura <Bacon.Laura@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Maignan, Tawanda <Maignan.Tawanda@epa.gov>
Subject: RE: ND permits continued OTT dicamba on soybeans

Can we contact ND about the article below to see if this is old or new news?

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Bacon, Laura <Bacon.Laura@epa.gov>
Sent: Wednesday, June 10, 2020 8:46 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Maignan, Tawanda <Maignan.Tawanda@epa.gov>
Subject: RE: ND permits continued OTT dicamba on soybeans

Hi Mike,

Tawanda forwarded me this information: The SLNs were received in December, 2019.

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Laura Bacon
Acting Chief, Minor Use and Emergency Response Branch
Registration Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
Phone: (703) 305-7390

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Sent: Wednesday, June 10, 2020 8:08 AM
To: Bacon, Laura <Bacon.Laura@epa.gov>; Maignan, Tawanda <Maignan.Tawanda@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: RE: ND permits continued OTT dicamba on soybeans

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Also when did they come in?

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

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Have we seen these ND 24cs yet?

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Tuesday, June 09, 2020 6:09 PM
To: Becker, Jonathan <Becker.Jonathan@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: FW: ND permits continued OTT dicamba on soybeans

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CCing some more RD folks for their awareness.

- Meg

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To: Chism, William <Chism.Bill@epa.gov>; Tindall, Kelly <tindall.kelly@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>; Kiely, Timothy <Kiely.Timothy@epa.gov>

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Message

From: Goodis, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=50ED0B92DC4945B7A808FE8DBC9224F0-MICHAEL GOODIS]
Sent: 6/10/2020 2:35:34 PM
To: Bacon, Laura [Bacon.Laura@epa.gov]
CC: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]; Maignan, Tawanda [Maignan.Tawanda@epa.gov]
Subject: RE: ND permits continued OTT dicamba on soybeans

Got it – thanks everyone

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Bacon, Laura <Bacon.Laura@epa.gov>
Sent: Wednesday, June 10, 2020 10:24 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Maignan, Tawanda <Maignan.Tawanda@epa.gov>
Subject: RE: ND permits continued OTT dicamba on soybeans

Mike,

Tawanda contacted ND and received a response that indicates there are no additional submissions since December.

From Tawanda: According to Jerry, they have not issued any new 24(c)s and ND is utilizing the ones from December. He mentioned he has received several calls about the article that miscommunicated his statements.

Thank you,

Laura Bacon
Acting Chief, Minor Use and Emergency Response Branch
Registration Division
Office of Pesticide Programs
U.S. Environmental Protection Agency
Phone: (703) 305-7390

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Wednesday, June 10, 2020 10:11 AM
To: Bacon, Laura <Bacon.Laura@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Maignan, Tawanda <Maignan.Tawanda@epa.gov>
Subject: RE: ND permits continued OTT dicamba on soybeans

Can we contact ND about the article below to see if this is old or new news?

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Bacon, Laura <Bacon.Laura@epa.gov>
Sent: Wednesday, June 10, 2020 8:46 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Maignan, Tawanda <Maignan.Tawanda@epa.gov>
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Have we seen these ND 24cs yet?

Michael L. Goodis, P.E.
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Sent: 6/10/2020 1:26:44 PM
To: Bacon, Laura [Bacon.Laura@epa.gov]
CC: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]; Maignan, Tawanda [Maignan.Tawanda@epa.gov]
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The article link implies that they issued something recently but is not clear – are we sure they did not supplement the one they issued in Dec.?

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Sent: 6/3/2020 11:56:20 AM
To: Kenny, Daniel [Kenny.Dan@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
CC: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]
Subject: RE: VaporGrip Extra

Dan

From our general with Rick yesterday, I think the team needs to lay out all of the additional dicamba actions - Bayer's VaporGrip Extra; BASF's new formulations; others, and propose what can be done or not with the limited time. No decision has been made yet, but Rick needs to have a conversation with Alex about what we can commit to. I shared the same feedback with Marietta so she can talk with her folks.
Let's discuss more at staff.

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Tuesday, June 02, 2020 8:40 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: RE: VaporGrip Extra

Just to expand on one piece below in case it's helpful is that this was submitted as a non-PRIA data set for the existing formulation. It's not a new formulation or a PRIA action to amend the label, just data. Bayer is hoping that it would improve the conclusions of the risk assessment, but it's not clear if or how they would require the addition of the adjuvant on the label. Otherwise, it's just an optional addition to a tank mix, and it's not clear how it would help our current decision-making or why it would be worth us looking at the data now (it is apparently a lot of data).

One other point is that this is also specific to their product and not the other products. That also makes it hard to understand how it would affect our decision-making for dicamba OT uses in general and worth looking at now rather than later.

Just a couple questions that we would need to deal with that we might as well start thinking about...

Dan

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Tuesday, June 02, 2020 8:10 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: RE: VaporGrip Extra

Good morning, Mike:

Yes, HB can confirm that VaporGrip data has been submitted to EPA. The team has not yet reviewed the submissions, but RD has just created a bean for EFED.

The VaporGrip submission package concerns EPA Reg. No. 524-617 (M1768 Herbicide / XtendiMax® With VaporGrip® Technology), and potential benefits claimed from adding MON 51817 (the adjuvant) in a tank mix with M1768 Herbicide. The MRIDs associated with this submission are 51134100 - 51134105.

Detailed Bibliography:

- Transmittal Document (MRID 51134100)
- Summary of Studies Conducted with MON 51817 in XtendiMax® With VaporGrip® Technology Tank Mixtures (MRID 51134101)
- Bibliography of MON 51817 Spray Drift and Volatility Data (MRID 51134102)
- Report: Field Volatility of Spray Solutions Containing Dicamba for Post-emergent Uses: Mon 76980 (22 oz/A) with different tank mix partners (MRID 51134103)
- Report: Deposition and Air Concentration Modeling for Dicamba Formulation MON 76980 with Different Tank Mix Partners – 2018 Arizona Field Trial (MRID 51134104)
- Report: Off-Target Disposition of Spray Solutions Containing Dicamba Formulations MON 76980 and MON 119151 (MRID 51134105)

- Meg

From: Goodis, Michael <Goodis.Michael@epa.gov>

Sent: Tuesday, June 02, 2020 6:43 AM

To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>

Subject: RE: VaporGrip Extra

We have a general with Rick at 11 today.

Any information I can share?

Michael L. Goodis, P.E.

Director, Registration Division (RD)

Office of Pesticide Programs (OPP)

Phone 703-308-8157

Room S7623

From: Goodis, Michael

Sent: Saturday, May 30, 2020 2:36 PM

To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>

Subject: Fwd: VaporGrip Extra

See below. Can we confirm these data were submitted? Let's discuss Monday.

Sent from my iPhone

Begin forwarded message:

From: "Keigwin, Richard" <Keigwin.Richard@epa.gov>

Date: May 30, 2020 at 8:01:18 AM EDT

To: "Goodis, Michael" <Goodis.Michael@epa.gov>, "Echeverria, Marietta" <Echeverria.Marietta@epa.gov>

Cc: "Messina, Edward" <Messina.Edward@epa.gov>

Subject: VaporGrip Extra

Alex met with Bayer yesterday to discuss several topics. One of those topics was their new VaporGrip Extra technology.

I know we only just received the data (Bayer mentioned that they submitted it in early May) so it is likely that the team is only starting to look at those data. With that in mind, it would be helpful to get an early read (even qualitatively) on what the data show in terms of promise for this technology in reducing vapor drift. Bayer will want to engage on this adjuvant soon, so any initial reactions could be helpful in some of the upcoming discussions that are likely to occur.

Rick Keigwin

Director, Office of Pesticide Programs

U.S. Environmental Protection Agency

Phone: 703-305-7090

Website: <http://www.epa.gov/pesticides>

Sent from my iPhone (Please excuse typos!)

Message

From: Goodis, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=50ED0B92DC4945B7A808FE8DBC9224F0-MICHAEL GOODIS]
Sent: 4/20/2020 1:28:09 PM
To: OPP RD Managers [OPP_RD_Managers@epa.gov]
Subject: FW: The Guardian: EPA faces court over backing of Monsanto's controversial crop system

FYI

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Han, Kaythi <Han.Kaythi@epa.gov>
Sent: Monday, April 20, 2020 8:55 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>
Subject: FW: The Guardian: EPA faces court over backing of Monsanto's controversial crop system

FYI—This is the article that came out of a number of press inquiries from Carey Gillam.

Kaythi Han
Team Leader, Communication Services Branch
Office of Pesticide Programs
U.S. Environmental Protection Agency
(703) 305-5642 | han.kaythi@epa.gov

From: Dennis, Allison <Dennis.Allison@epa.gov>
Sent: Monday, April 20, 2020 8:41 AM
To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>
Subject: FW: The Guardian: EPA faces court over backing of Monsanto's controversial crop system

From: Labbe, Ken <Labbe.Ken@epa.gov>
Sent: Monday, April 20, 2020 8:41 AM
To: Bolen, Derrick <bolen.derrick@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Dunton, Cheryl <Dunton.Cheryl@epa.gov>; Fischer, David <Fischer.David@epa.gov>; Giddings, Daniel <giddings.daniel@epa.gov>; Grable, Melissa <Grable.Melissa@epa.gov>; Hanley, Mary <Hanley.Mary@epa.gov>; Labbe, Ken <Labbe.Ken@epa.gov>; Ortiz, Julia <Ortiz.Julia@epa.gov>; Pierce, Alison <Pierce.Alison@epa.gov>; Siciliano, CarolAnn <Siciliano.CarolAnn@epa.gov>; Sullivan, Melissa <sullivan.melissa@epa.gov>; Tyler, Tom <Tyler.Tom@epa.gov>
Subject: The Guardian: EPA faces court over backing of Monsanto's controversial crop system

<https://www.theguardian.com/environment/2020/apr/20/epa-faces-court-over-backing-of-monsantos-controversial-crop-system>

EPA faces court over backing of Monsanto's controversial crop system

The ninth circuit court of appeals is being asked to overturn the EPA's approval of a Monsanto herbicide that is allegedly a threat to farm crops across the US

Carey Gillam Mon 20 Apr 2020 05:06 EDT

The US Environmental Protection Agency is due in federal court on Tuesday to answer allegations that it broke the law to support a Monsanto system that has triggered “widespread” crop damage over the last few summers and continues to threaten farms across the country.

As farmers prepare to plant a new season of key American food crops, farmer and consumer groups are asking the ninth circuit court of appeals in San Francisco to review and overturn the EPA's approval of a Monsanto herbicide made with a chemical called dicamba.

The allegations are from the National Family Farm Coalition, which represents tens of thousands of farmers across the US, and three non-profit consumer and environmental groups. They have been granted an expedited review of their legal petition and hope for a ruling that would block use of the herbicide this summer.

The court hearing, which is to be handled by phone due to the coronavirus closing of California courthouses, comes just a month after the office of inspector general for the EPA said it would open an investigation into the agency's handling of dicamba herbicides.

Farmers have reported dicamba damage in both organic and conventional crops, including non-GMO soybeans, wheat, grapes, melons, vegetables and tobacco. A Missouri peach farmer won a \$265m verdict in February against Monsanto and German chemical giant BASF after accusing the companies of creating a “defective” crop system that damaged 30,000 peach trees.

The Guardian reported last month that internal Monsanto documents obtained through the peach farmer litigation revealed that Monsanto predicted its dicamba crop system would lead to thousands of damage claims from US farmers but pushed ahead anyway, trying to downplay the risks to the EPA.

“You’ve had millions of acres impacted,” said George Kimbrell, a lawyer with the Center for Food Safety, which is one of the environmental groups seeking court review of the EPA, alongside the Center for Biological Diversity and Pesticide Action Network.

Kimbrell said: “They decided to make farmers part of an ongoing experiment. The dicamba problem is unprecedented.”

EPA approval

The crop system in question was developed by Monsanto with help from BASF to encourage farmers to buy dicamba herbicides and spray them over the top of new genetically engineered soybean and cotton crops developed

by Monsanto to tolerate dicamba. The altered crops survive dicamba spray but weeds die, making it easier for farmers to eradicate weeds resistant to other herbicides such as Monsanto's glyphosate.

Before the introduction of Monsanto's dicamba-tolerant cotton in 2015 and soybeans in 2016, farmers were largely restricted from using dicamba during the growing season because the chemical can easily drift and vaporize, traveling long distances from where it is sprayed. But the release of the new dicamba-tolerant crops upended that restraint and the EPA subsequently approved "new use" dicamba products sold by Monsanto, BASF and Corteva Agriscience for treating fields planted with the genetically engineered cotton and soybeans.

The companies said their herbicides would have low volatility and if farmers followed instructions on the product labels, they could prevent drift. But since the introduction of the new dicamba-tolerant soybeans and cotton, drift and volatilization has killed or injured a variety of crops, fruit trees and other plants across several millions acres.

Costs to farmers

The consumer and environmental groups claim the EPA violated federal law by failing to analyze the "significant socioeconomic and agronomic costs to farmers" and not relying on adequate data in its approvals of the herbicides. The damage over the last few summer seasons has been "catastrophic" they claim.

The groups cite government documents they say show that the EPA itself has downplayed or ignored warnings from state agricultural officials and farmer pleas for protection from dicamba drift. Instead the agency has worked closely with Monsanto to keep the company's dicamba herbicide, called XtendiMax, on the market, they say.

Documents filed in court show Monsanto met multiple times with EPA officials about the concerns, even editing EPA language about certain steps Monsanto should take in communications with retailers. In an October 2017 email, an EPA official forwarded a Monsanto official comments from the agency regarding the company's product label, writing: "Like I said, no surprises."

While the EPA worked with Monsanto, the records show the agency was well aware of the extent of crop damage being reported to multiple states. In a June 2018 email an Arkansas bee keeper said dicamba had caused a 50% reduction in his honey production, and a July 2018 email from a Kansas Department of Agriculture supervisor told the EPA the department had been "overrun with dicamba complaints".

Monsanto, which was bought by Bayer AG in 2018, said the claims raised by the farm coalition and other petitioners are "baseless" and the company "stands fully behind" its product.

"We believe the extensive body of science supporting the Environmental Protection Agency (EPA)'s registration decision will ultimately determine the outcome," said Bayer spokesman Chris Loder. Monsanto has filed as an intervenor in the case.

For its part, BASF said dicamba herbicides are “critically important tools for growers” and said the company is providing training to dicamba applicators and is working with academics and state and federal agencies to address concerns.

Corteva declined to comment.

Despite the outcry over dicamba damage, in November 2018 the EPA granted a two-year extension for the dicamba herbicides for use over the dicamba-tolerant cotton and soybeans. That registration expires on 20 December and the agency is currently considering whether or not to further extend approval.

In the meantime, the EPA said it was working with states and with the companies selling the dicamba herbicides to “better understand the issue” to enable it to deal with “the problem of illegal drift”.

The EPA also insists that it is not certain what is causing the crop damage.

“The underlying causes of the various damage incidents are not yet clear, as ongoing investigations have yet to be concluded,” the agency told the Guardian.

- Carey Gillam tweets at [@careygillam](https://twitter.com/careygillam)

Kenneth T. Labbe
U.S. Environmental Protection Agency
Office of Public Affairs
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460
Office: 202-564-1486
Cell: 202-740-3770

Message

From: Goodis, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=50ED0B92DC4945B7A808FE8DBC9224F0-MICHAEL GOODIS]
Sent: 3/31/2020 3:09:53 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: Slides for Dicamba Bayer Teleconference Today at 10am

Seems like it which is fine with me too.

My response back to Kim was that Monisha should be talking with you.

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Tuesday, March 31, 2020 10:59 AM
To: Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: Slides for Dicamba Bayer Teleconference Today at 10am

So I'm assuming they'd like to be invited to everything then, which is fine. I'll spread the word.

Dan

From: Goodis, Michael <Goodis.Michael@epa.gov>
Sent: Tuesday, March 31, 2020 10:23 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: FW: Slides for Dicamba Bayer Teleconference Today at 10am

Dan

Try to keep BEAD in mind – see below.

Michael L. Goodis, P.E.
Director, Registration Division (RD)
Office of Pesticide Programs (OPP)

Phone 703-308-8157
Room S7623

From: Nesci, Kimberly <Nesci.Kimberly@epa.gov>
Sent: Tuesday, March 31, 2020 9:37 AM
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Kimberly Nesci, Acting Director
Biological and Economic Analysis Division (BEAD)
Office of Pesticide Programs
Office of Chemical Safety and Pollution Prevention
703-308-8059

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Sent: Tuesday, March 31, 2020 8:48 AM
To: Anderson, Brian <Anderson.Brian@epa.gov>; Nesci, Kimberly <Nesci.Kimberly@epa.gov>; Kaul, Monisha <Kaul.Monisha@epa.gov>
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Subject: Slides for Dicamba Bayer Teleconference Today at 10am

Good morning, all:
Here are the slides for our dicamba teleconference with Bayer, coming up at 10am.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Sunday, March 29, 2020 1:46 PM

To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: BCSReg_Archive <esepamailbox@bayer.com>

Subject: RE: Seeking your Input.

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Freundliche Grüße / Best regards,

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Director Registrations



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Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

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Thank you Meg. I will supply the slide deck when completed.

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Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Seeking your Input.

Great! Thank you, George, for the confirmation.

On Monday at 10am, please use the following link to join the skype conference call.

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Please keep me posted as your team develops any presentation materials that should be shared with the group.

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To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg, Monday March 30th 10:00 – 11:00 a.m. works well. Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
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From: George Sabbagh
Sent: Monday, March 23, 2020 1:01 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input

Dan, Resending the request.

Please, let me know if you need more information.

Thank you.

Freundliche Grüße / Best regards,

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From: George Sabbagh
Sent: Tuesday, March 17, 2020 8:32 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: Seeking your Input

Hi Dan,

Following up on our call last week.

Bayer is looking to set up a meeting with the Agency (latter part of next week or the week after) to share data from testing the adjuvant VaporGrip X with the Product XtendiMax.

Results from field trials conducted by Bayer and Academics with the VaporGrip X have shown positive response to reducing off-target movement of XtendiMax. During the meeting, Bayer will go over these trials, share the results and discuss further plans.

Meeting information:

Proposed dates: March 26-27, or Week of March 30.

Proposed Agenda: Review of results from Testing VaporGrip X with Xtendimax

Attendees:

- Bayer Regulatory affairs and Environmental Safety
- EPA RD and EFED

Looking forward to hearing from you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
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Message

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Sent: 3/31/2020 1:55:36 PM
To: Nesci, Kimberly [Nesci.Kimberly@epa.gov]
Subject: RE: Slides for Dicamba Bayer Teleconference Today at 10am

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I don't know why Monish can't ask Dan to be invited.

Michael L. Goodis, P.E.
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Results from field trials conducted by Bayer and Academics with the VaporGrip X have shown positive response to reducing off-target movement of XtendiMax. During the meeting, Bayer will go over these trials, share the results and discuss further plans.

Meeting information:

Proposed dates: March 26-27, or Week of March 30.

Proposed Agenda: Review of results from Testing VaporGrip X with Xtendimax

Attendees:

- Bayer Regulatory affairs and Environmental Safety
- EPA RD and EFED

Looking forward to hearing from you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

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Message

From: Goodis, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=50ED0B92DC4945B7A808FE8DBC9224F0-MICHAEL GOODIS]
Sent: 4/29/2020 10:22:53 PM
To: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Aubee, Catherine [Aubee.Catherine@epa.gov]
Subject: Fwd: Dicamba court orders briefing re which products are subject to an order

FYI. It is like a roller coaster ride.

Sent from my iPhone

Begin forwarded message:

From: "Garrison, Scott" <Garrison.Scott@epa.gov>
Date: April 29, 2020 at 5:34:18 PM EDT
To: "Dunn, Alexandra" <dunn.alexandra@epa.gov>, "Lis-Coghlan, Kamila" <lis-coghlan.kamila@epa.gov>, "Keigwin, Richard" <Keigwin.Richard@epa.gov>, "Kenny, Daniel" <Kenny.Dan@epa.gov>, "Goodis, Michael" <Goodis.Michael@epa.gov>, "Echeverria, Marietta" <Echeverria.Marietta@epa.gov>
Cc: "Cole, Joseph E." <cole.josephe@epa.gov>, "Koch, Erin" <Koch.Erin@epa.gov>, "Knorr, Michele" <knorr.michele@epa.gov>, "Perlis, Robert" <Perlis.Robert@epa.gov>
Subject: Dicamba court orders briefing re which products are subject to an order

Confidential communication for internal deliberations only. Attorney-client privilege. Do not distribute outside EPA.

⇒ Note that Matt Leopold is recused from this matter.

The 9th Circuit issued an order today following up on last week's oral argument in the dicamba case, National Family Farm Coalition, et al v. USEPA, et al. The full order is in the email chain below, the key parts are:

The parties thus appear to disagree as to the scope of the challenge before us. As we read the petitioners' brief, they seek to challenge the entirety of the registration decision promulgated by the EPA on October 31, 2018, approving conditional registrations for post-emergent application of dicamba herbicides manufactured by Bayer CropScience, Corteva, and BASF. As we read EPA's brief, it contends that petitioners' challenge extends only to the conditional registration for post-emergent application of the dicamba herbicide manufactured by Bayer CropScience. ... Within fourteen days of the issuance of this order, the parties, including Intervenor Bayer CropScience, are directed to provide simultaneous letter briefs addressing the scope of petitioners' challenge. The briefs are to be no longer than ten pages of text, double-spaced, in size 14 font.

Our inference from this order is that the court is likely to vacate EPA's 2018 decision, and is considering whether the impact is limited solely to Monsanto's product or to all over-the-top dicamba products.

DOJ sounds kind of jammed up, so we probably won't have a serious discussion with them before Friday. Michele and I will start sketching out a response immediately, and will be in touch with OPP soon.

Ex. 5 AC/AWP/DP

Scott Garrison
Pesticides and Toxic Substances Law Office (2333A)
Office of General Counsel
U.S. Environmental Protection Agency
202-564-4047
garrison.scott@epa.gov

From: Buckley, Sarah (ENRD) <Sarah.Buckley@usdoj.gov>
Sent: Wednesday, April 29, 2020 2:13 PM
To: Knorr, Michele <knorr.michele@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Perlis, Robert <Perlis.Robert@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; O'Donnell, Jessica (ENRD) <Jessica.O'Donnell@usdoj.gov>; Meghan Greenfield <Meghan.Greenfield@usdoj.gov>
Cc: Grosko, Brett (ENRD) <Brett.Grosko@usdoj.gov>
Subject: FW: 19-70115 National Family Farm Coalition, et al v. USEPA, et al "Order Filed (From Chambers)"

Well, the Court identified the problem about what actions are under review. We have 14 days to respond with a brief addressing the scope of Petitioners' challenge.

Sarah

From: ca9_ecfnoticing@ca9.uscourts.gov <ca9_ecfnoticing@ca9.uscourts.gov>
Sent: Wednesday, April 29, 2020 2:08 PM
To: Buckley, Sarah (ENRD) <SBuckley@ENRD.USDOJ.GOV>
Subject: 19-70115 National Family Farm Coalition, et al v. USEPA, et al "Order Filed (From Chambers)"

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United States Court of Appeals for the Ninth Circuit

Notice of Docket Activity

The following transaction was entered on 04/29/2020 at 11:06:35 AM PDT and filed on 04/29/2020

Case Name:	National Family Farm Coalition, et al v. USEPA, et al
Case Number:	<u>19-70115</u>
Document(s):	<u>Document(s)</u>

Docket Text:

Filed order (MICHAEL DALY HAWKINS, M. MARGARET MCKEOWN and WILLIAM A. FLETCHER): On October 31, 2018, EPA signed a decision announcing that it “will be granting requests by Bayer CropScience (formerly Monsanto Company), Corteva (formerly DuPont), and BASF to amend their existing conditional registrations that contain expiration dates of November 9, 2018, and December 20, 2018, respectively.” ER 3. Pursuant to this decision, EPA issued three conditional registrations. On November 1, 2018, EPA issued a conditional registration to Bayer CropScience for its “M1768 Herbicide” [“XtendiMax With VaporGrip Technology”]. ER 65, 81. On November 2, 2018, EPA issued a conditional registration to BASF for its “Engenia Herbicide.” ER 167. On November 5, 2018, EPA issued a conditional registration to Corteva for its “DuPont FeXapan Herbicide.” ER 121. In a petition to our Court, National Family Farm Coalition et al. challenged the decision of EPA. Petitioners’ brief begins: “This petition seeks review of the October 31, 2018, decision by the United States Environmental Protection Agency (EPA) to continue the new uses registrations of the pesticide dicamba on dicambaresistant cotton and soybean. . . . Petitioners timely filed this petition for review.” Blue Brief at 1. Petitioners write further: “This case concerns a pesticide Intervenor Monsanto developed, ‘XtendiMax with VaporGrip Technology’ (XtendiMax), containing the weed-killing active ingredient dicamba. ER0003–4.” Id. at 2. They append a footnote to this sentence: “The registration also covers the competitor dicamba varieties approved by EPA for the same uses. ER0004–5, tbl.2; ER121–ER 0210. We use XtendiMax for simplicity.” Id. at 2, n.4. EPA writes in its brief: “Although not at issue here, EPA has issued registrations for two other dicamba products for the same uses, Engenia and FeXapan. EPA Reg. Nos. 7969-345 and 352-913. EPA’s 2018 registration action also amended the Engenia and FeXapan registrations.” Red Brief at 12–13, n.3. The parties thus appear to disagree as to the scope of the challenge before us. As we read the petitioners’ brief, they seek to challenge the entirety of the registration decision promulgated by the EPA on October 31, 2018, approving conditional registrations for post-emergent application of dicamba herbicides manufactured by Bayer CropScience, Corteva, and BASF. As we read EPA’s brief, it contends that petitioners’ challenge extends only to the conditional registration for post-emergent application of the dicamba herbicide manufactured by Bayer CropScience. The briefing now before this Court does little more than to indicate disagreement between the parties. The Court would be assisted by more sustained briefing on the scope of petitioners’ challenge. Within fourteen days of the issuance of this order, the parties, including Intervenor Bayer CropScience, are directed to provide simultaneous letter briefs addressing the scope of petitioners’ challenge. The briefs are to be no longer than ten pages of text, double-spaced, in size 14 font. [11675470] (AF)

Notice will be electronically mailed to:

Richard P. Bress, Attorney
Sarah A. Buckley, Trial Attorney
Jesse A. Buss
Mr. John Brett Grosko, Trial Attorney
Mr. George Andreas Kimbrell, Attorney
Jon Michael Lipshultz
Ms. Stephanie M. Parent, Attorney
Philip J. Perry, Attorney
Mr. Andrew Prins
Claire Tonry
Ms. Amy Luisa Van Saun, Staff Attorney
Stacey L. VanBelleghem

Ms. Sylvia Shih-Yau Wu, Attorney

Case participants listed below will not receive this electronic notice:

USEPA - Agency Representative
USEPA - U.S. ENVIRONMENTAL PROTECTION AGENCY
1101A
1200 Pennsylvania Ave., NW
Washington, DC 20460

The following document(s) are associated with this transaction:

Document Description: Main Document

Original Filename: 19-70115 NFF order supp briefing FILE.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1106763461 [Date=04/29/2020] [FileNumber=11675470-0]
[1e64957da47a386301b116927feb82229f135e7267b0edfc7b8c4dd444c2732ed06d6a96daafb0b0
0b2b647b9876deeba55340eb8b8e198297f3f506e16428bb]]

Message

Sent: 9/9/2020 6:25:25 PM
To: Dicamba EFED 2020
CC: Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: FW: Additional Info for Humidome BASF Bioassay Humidome, UTN Quantitative Humidome, pH Study update
Attachments: Engenia__Buffer_SupplInfo_20200904skbsjb.pptx; BASF 2019 Humidome Bioassay Study (DEV-H-2019-US-Z0H-F) (003).xlsx; UTN 2019 Quantitative Humidome Study # 39(19-HU39).xlsx

Hello EFED:
BASF has just sent us

From: Jeffrey H Birk <jeffrey.birk@basf.com>
Sent: Wednesday, September 09, 2020 2:11 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Echeverria, Marietta <Echeverria.Marietta@epa.gov>
Subject: FW: Additional Info for Humidome BASF Bioassay Humidome, UTN Quantitative Humidome, pH Study update

Dan, Meg and Marietta,

Attached are the files with additional information for the BASF Bioassay Humidome and UTN Quantitative Humidome studies shared with EPA last week. The additional information files contain the excerpted presentation slides (minor corrections were made to the time, temp and RH conditions on slide 7), study protocol, recorded and calculated value information. Let us know if you need anything else.

Note that these studies included other experimental formulations (Clarity, 31, CL, CM, CS, CX and CU) that are inconsequential to the data supporting BAS 183 35 H and the solo buffering product Sentriss.

Please note that BAS 183 35 H is coded as BAS183CTH and have the Sentriss buffer coded as BAS 92931S. The Bioassay study also includes Xtendimax.

The % PHYTOX / Crop Injury assessment made in the Bioassay Humidome study is an overall visual assessment of foliar effects (stunting, necrosis and epinasty) on a 0-100% scale where 0 = no effect and 100 = dead plant.

The Engenia + buffer +/- K-gly pH stability study is completed and will sent on a separate email.

Thanks for the opportunity to share this information with your team.

Please let me know if we need to discuss further.

JEFFREY BIRK
Product Registration Manager

Phone: +1 919 547-2622, Mobile: +1-919-225-9220, Fax: +1 919 547-2850, Email: jeffrey.birk@basf.com
Postal Address: BASF Corporation, , 26 Davis Drive, 27709-3528 Research Triangle Park, United States



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BASF Corporation

Message

From: Hathaway, Margaret [hathaway.margaret@epa.gov]
Sent: 7/14/2020 6:14:41 PM
To: Tindall, Kelly [tindall.kelly@epa.gov]; Meadows, Sarah [Meadows.Sarah@epa.gov]; Echeverria, Marietta [Echeverria.Marietta@epa.gov]; Wagman, Michael [Wagman.Michael@epa.gov]; Metzger, Michael [Metzger.Michael@epa.gov]; Farruggia, Frank [Farruggia.Frank@epa.gov]; Wyatt, TJ [Wyatt.Tj@epa.gov]; Nesci, Kimberly [Nesci.Kimberly@epa.gov]; Garrison, Scott [Garrison.Scott@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Nguyen, Khue [Nguyen.Khue@epa.gov]; Kaul, Monisha [Kaul.Monisha@epa.gov]; Odenkirchen, Edward [Odenkirchen.Edward@epa.gov]; O'Neill, Sandra [ONeill.Sandra@epa.gov]; Orlowski, John [Orlowski.John@epa.gov]; +1 (703) 475-8579 [+1 (703) 475-8579@epa.gov]; Overbey, Dian [Overbey.Dian@epa.gov]; Kells, Bradley [kells.bradley@epa.gov]; Appleyard, Moana [Appleyard.Moana@epa.gov]; Peck, Charles [Peck.Charles@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Becker, Jonathan [Becker.Jonathan@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Knorr, Michele [knorr.michele@epa.gov]; Chism, William [Chism.Bill@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]; Matuszko, Jan [Matuszko.Jan@epa.gov]; Corbin, Mark [Corbin.Mark@epa.gov]
Subject: Dicamba Weekly Team Meeting

Wyatt, TJ 1:18 PM:

What would be a typical timeline for a registration action like this?

Wyatt, TJ 1:22 PM:

Have/Will the registrants submit a description of the benefits of the use of dicamba as part of this action?

Nesci, Kimberly 1:27 PM:

BEAD's reviewed the list closely and we have thoughts on what's possible

Tindall, Kelly 1:33 PM:

note: there are states saying that incidents are coming AFTER (2-3 weeks after) cutoff dates. People still aren't complying. Maybe the incidents will decrease, but there will likely be some regardless of a cutoff dates.

Wyatt, TJ 1:34 PM:

:D

Kaul, Monisha 1:39 PM:

Engenia cover letter states labels are identical except for a rate change in sugarcane. No new data are planned to be submitted.

XtendiMax cover letter says to use the previously submitted information and that they plan to submit a revised label to address drift/volatility concerns.

Chism, William 1:44 PM:

Can we get the United Soybean Board, Cotton Council, and Ag Retailors Association support us otherwise noncompliance problem will not change.

Nesci, Kimberly 2:05 PM:

Maybe an outline for the briefing?

Matuszko, Jan 2:05 PM:

I think that would be helpful

Meadows, Sarah 2:05 PM:

Definitely

Echeverria, Marietta 2:08 PM:

does timeline work for BEAD?

Echeverria, Marietta 2:08 PM:

@kn?

Nesci, Kimberly 2:08 PM:

We'd prefer to get the outline by Thurs am, if possible

Knorr, Michele 2:09 PM:

Great meeting!

Nguyen, Khue 2:09 PM:

hey meg, is there anything needed from PRD for briefing?

Knorr, Michele 2:10 PM:

Can we start a file folder in our Teams site for new documents? I think we are going to have quite a few to keep track of.

Message

From: George Sabbagh [george.sabbagh@bayer.com]
Sent: 3/27/2020 8:18:19 PM
To: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
CC: BCSReg_Archive [esepamailbox@bayer.com]
Subject: RE: Seeking your Input.

Flag: Follow up

Will do. I will follow up shortly.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Friday, March 27, 2020 4:12 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hello George:

I've gotten direction that for our Monday meeting, my office would actually prefer if Bayer could set up the Skype meeting and provide connection information to EPA staff. Would that be possible? If so, you can email me the meeting details and I will forward them to the appropriate people in my office.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Tuesday, March 24, 2020 7:37 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Thank you Meg. I will supply the slide deck when completed.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Monday, March 23, 2020 5:05 PM
To: George Sabbagh <george.sabbagh@bayer.com>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Seeking your Input.

Great! Thank you, George, for the confirmation.

On Monday at 10am, please use the following link to join the skype conference call.

[Join Skype Meeting](#)

Trouble Joining? [Try Skype Web App](#)

Please keep me posted as your team develops any presentation materials that should be shared with the group.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: George Sabbagh <george.sabbagh@bayer.com>
Sent: Monday, March 23, 2020 3:42 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input.

Hi Meg, Monday March 30th 10:00 – 11:00 a.m. works well. Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Monday, March 23, 2020 1:01 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>
Subject: RE: Seeking your Input

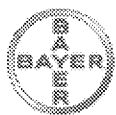
Dan, Resending the request.

Please, let me know if you need more information.

Thank you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



Science For A Better Life

Crop Science, a Division of Bayer
801 Pennsylvania Avenue, NW
Suite 745

Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

From: George Sabbagh
Sent: Tuesday, March 17, 2020 8:32 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: BCSReg_Archive <esepamailbox@bayer.com>
Subject: Seeking your Input

Hi Dan,

Following up on our call last week.

Bayer is looking to set up a meeting with the Agency (latter part of next week or the week after) to share data from testing the adjuvant VaporGrip X with the Product XtendiMax.

Results from field trials conducted by Bayer and Academics with the VaporGrip X have shown positive response to reducing off-target movement of XtendiMax. During the meeting, Bayer will go over these trials, share the results and discuss further plans.

Meeting information:

Proposed dates: March 26-27, or Week of March 30.

Proposed Agenda: Review of results from Testing VaporGrip X with Xtendimax

Attendees:

- Bayer Regulatory affairs and Environmental Safety
- EPA RD and EFED

Looking forward to hearing from you.

Freundliche Grüße / Best regards,

George Sabbagh, Ph.D.
Director Registrations



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Suite 745
Washington, DC 20004
Cel: +1 913 231 6291
E-mail: george.sabbagh@bayer.com
Web: <http://www.bayercropscience.com>

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Message

From: Kenny, Daniel [Kenny.Dan@epa.gov]
Sent: 5/21/2020 1:32:11 PM
To: Motilall, Christina [Motilall.Christina@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
CC: Schmid, Emily [Schmid.Emily@epa.gov]
Subject: RE: Attn Dan: Hooded Sprayer Study 2017 Submission? - Dicamba Response Question

Flag: Follow up

Hi Christina. I think a version of that response is fine. The emphasis of these, which seems to be a campaign in Virginia, is that we make a decision early so that people can plan around our decision, as opposed to being for or against, so the response should probably be angled towards that.

Thanks,
Dan

From: Motilall, Christina <Motilall.Christina@epa.gov>
Sent: Tuesday, May 19, 2020 5:54 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Attn Dan: Hooded Sprayer Study 2017 Submission? - Dicamba Response Question

Great point and language Dan, I appreciate it!!!

Also, we got some more emails and letters in for dicamba. Email text for one is below, corresponding letter entitled "Dicamba early decision letter 2020" attached. And another dicamba letter which is also attached entitled "Dicamba re-registration decision".

Again, I was planning to use a version of the responses I sent you. Much like you have, please flag anything specific you'd like me to draw attention to. Thank you all SO much for taking the time to help me with these, very much appreciated.

EMAIL text:

Greetings,

Please find the attached letter, urging for an early re-registration decision (whatever that may be) for the use of dicamba on dicamba tolerant crops (namely Xtend soybean and Xtendflex cotton). The current registration for these products [Engenia (EPA Reg. No. 7969-345), Xtendimax (EPA Reg. No. 524-617), FeXapan (EPA Reg. No. 352-913), and Tavium (EPA Reg. No. 100-1623) expires in December 2020. A decision by Sept. 1, 2020 would greatly help the industry properly prepare for the 2021 season.

Thanks for your consideration,

*Michael Flessner, PhD
Assistant Professor and Extension Weed Science Specialist
Virginia Tech
School of Plant and Environmental Sciences
540-315-2954*

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Tuesday, May 19, 2020 5:47 PM
To: Motilall, Christina <Motilall.Christina@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: Schmid, Emily <Schmid.Emily@epa.gov>

Subject: RE: Attn Dan: Hooded Sprayer Study 2017 Submission? - Dicamba Response Question

I suppose so, as long as it doesn't imply that it will necessarily be part of our assessment or decision. We've been telling them for a while now that we appreciate learning about the equipment that they sell but they need to talk to the registrants if they want it to be on labels. Maybe we can make it a little more generic, such as "The EPA values stakeholder input, such as the information you presented in May 2017, to see if and how it may help inform our decision process."

From: Motilall, Christina <Motilall.Christina@epa.gov>

Sent: Tuesday, May 19, 2020 5:23 PM

To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: Schmid, Emily <Schmid.Emily@epa.gov>

Subject: RE: Attn Dan: Hooded Sprayer Study 2017 Submission? - Dicamba Response Question

Indeed, thank you Meg. I read that and figured that we reviewed and were taking what they said into account but didn't want to draw too much attention to it.

Dan, would you be ok with "The EPA values your input as it will help inform our decision process, including the information you presented in May 2017."

Thanks all!

From: Kenny, Daniel <Kenny.Dan@epa.gov>

Sent: Tuesday, May 19, 2020 5:17 PM

To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: Motilall, Christina <Motilall.Christina@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>

Subject: RE: Attn Dan: Hooded Sprayer Study 2017 Submission? - Dicamba Response Question

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From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Sent: Tuesday, May 19, 2020 4:34 PM

To: Kenny, Daniel <Kenny.Dan@epa.gov>

Cc: Motilall, Christina <Motilall.Christina@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>

Subject: Attn Dan: Hooded Sprayer Study 2017 Submission? - Dicamba Response Question

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Margaret Hathaway (Meg)
Senior Regulatory Specialist
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OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

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Sent: Friday, May 15, 2020 4:30 PM
To: Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
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Subject: RE: Dicamba Responses

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To: Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
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As noted before, we are working on turning these around so your attention is appreciated. Thank you!

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Acting Team Leader, Communication Services Branch

Office of Pesticide Programs

U.S. Environmental Protection Agency

Desk: (202) 564-1287 | Cell: (202) 860-5122

Message

From: Schmid, Emily [Schmid.Emily@epa.gov]
Sent: 5/20/2020 11:38:02 AM
To: Motilall, Christina [Motilall.Christina@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: RE: Attn Dan: Hooded Sprayer Study 2017 Submission? - Dicamba Response Question

Hi Christina,

I don't have anything to add to Dan and Meg's comments on the previous letters. I think what you prepared for the others works here, though you might want to move the third paragraph about how we are trying to make our decision in time to inform seed purchase above the "EPA uses the best available information..." paragraph since it addresses their concerns.

-Emily

From: Motilall, Christina <Motilall.Christina@epa.gov>
Sent: Tuesday, May 19, 2020 5:54 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Attn Dan: Hooded Sprayer Study 2017 Submission? - Dicamba Response Question

Great point and language Dan, I appreciate it!!!

Also, we got some more emails and letters in for dicamba. Email text for one is below, corresponding letter entitled "Dicamba early decision letter 2020" attached. And another dicamba letter which is also attached entitled "Dicamba re-registration decision".

Again, I was planning to use a version of the responses I sent you. Much like you have, please flag anything specific you'd like me to draw attention to. Thank you all SO much for taking the time to help me with these, very much appreciated.

EMAIL text:

Greetings,

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Thanks for your consideration,

*Michael Flessner, PhD
Assistant Professor and Extension Weed Science Specialist
Virginia Tech
School of Plant and Environmental Sciences
540-315-2954*

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Cc: Schmid, Emily <Schmid.Emily@epa.gov>

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Cc: Schmid, Emily <Schmid.Emily@epa.gov>

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Sent: 5/19/2020 9:53:56 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
CC: Schmid, Emily [Schmid.Emily@epa.gov]
Subject: RE: Attn Dan: Hooded Sprayer Study 2017 Submission? - Dicamba Response Question
Attachments: Dicamba early decision letter 2020.pdf; Dicamba re-registration decision.pdf

Flag: Follow up

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U.S. Environmental Protection Agency
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Message

From: Crawford, Lydia [Crawford.Lydia@epa.gov]
Sent: 9/2/2020 6:49:21 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
CC: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]
Subject: RE: Summary of Bayer's mitigation plan + BASF's letter
Attachments: 9.3.2020 Mitigation Talking Points.docx

Flag: Follow up

Attached is a first draft of talking points for the mitigation meetings tomorrow.

From: Meadows, Sarah <Meadows.Sarah@epa.gov>
Sent: Wednesday, September 2, 2020 2:23 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Crawford, Lydia <Crawford.Lydia@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Summary of Bayer's mitigation plan + BASF's letter

I have attached a similar super brief summary of Bayer's proposal.

From: Meadows, Sarah
Sent: Wednesday, September 02, 2020 1:52 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Crawford, Lydia <Crawford.Lydia@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Summary of Bayer's mitigation plan + BASF's letter

Thanks, Meg. I have attached a very brief summary of BASF's proposal.

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2. Expanding XtendiMax's mandatory downwind drift buffers from 110 to 250 feet.
3. Changing the growth stage timing requirements for XtendiMax OTT applications over soybeans. Specifically, allowing applications only through soybean V4 vegetative stage. Note that the recently vacated labelling had a cutoff at the R1 reproductive stage.
4. Encouraging the use of shielded and hooded spray systems by allowing an exception to the expanded downwind buffer and narrowed application window on OTT soybean application for applicators who can employ appropriate shielded or hooded sprays systems.

5. General suggestions for increased label clarity, such as better using tables for specific crop use directions to improve readability.
6. ***NEW SINCE WHITE PAPER* Proposal for an OTT uses only label.**

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To: Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
CC: Crawford, Lydia [Crawford.Lydia@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]
Subject: RE: Summary of Bayer's mitigation plan + BASF's letter
Attachments: Bayer Proposed Label Changes Summary .docx

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CC: Crawford, Lydia [Crawford.Lydia@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]; Schmid, Emily [Schmid.Emily@epa.gov]
Subject: RE: Summary of Bayer's mitigation plan + BASF's letter
Attachments: BASF Proposed Label Changes Summary 8.24.2020.docx

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To: Meadows, Sarah <Meadows.Sarah@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
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Attachments: 9.3.2020 Mitigation Talking Points - djr ---.docx

Flag: Follow up

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Sent: Wednesday, September 2, 2020 2:49 PM
To: Meadows, Sarah <Meadows.Sarah@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Summary of Bayer's mitigation plan + BASF's letter

Attached is a first draft of talking points for the mitigation meetings tomorrow.

From: Meadows, Sarah <Meadows.Sarah@epa.gov>
Sent: Wednesday, September 2, 2020 2:23 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Crawford, Lydia <Crawford.Lydia@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Summary of Bayer's mitigation plan + BASF's letter

I have attached a similar super brief summary of Bayer's proposal.

From: Meadows, Sarah
Sent: Wednesday, September 02, 2020 1:52 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Crawford, Lydia <Crawford.Lydia@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: Summary of Bayer's mitigation plan + BASF's letter

Thanks, Meg. I have attached a very brief summary of BASF's proposal.

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, September 02, 2020 1:49 PM
To: Meadows, Sarah <Meadows.Sarah@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Crawford, Lydia <Crawford.Lydia@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: Summary of Bayer's mitigation plan + BASF's letter

Hello Sarah:

For your convenience, here is the BASF mitigation plan to summarize (attached).

Also, here is the summary of Bayer's mitigation proposal that I wrote a few weeks ago:

1. Mandating that XtendiMax be tank mixed with additional volatility-reduction agents and drift-reduction adjuvants.
2. Expanding XtendiMax's mandatory downwind drift buffers from 110 to 250 feet.
3. Changing the growth stage timing requirements for XtendiMax OTT applications over soybeans. Specifically, allowing applications only through soybean V4 vegetative stage. Note that the recently vacated labelling had a cutoff at the R1 reproductive stage.
4. Encouraging the use of shielded and hooded spray systems by allowing an exception to the expanded downwind buffer and narrowed application window on OTT soybean application for applicators who can employ appropriate shielded or hooded sprays systems.
5. General suggestions for increased label clarity, such as better using tables for specific crop use directions to improve readability.
6. ***NEW SINCE WHITE PAPER* Proposal for an OTT uses only label.**

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
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(703) 305-5076

Message

From: Kenny, Daniel [Kenny.Dan@epa.gov]
Sent: 10/28/2020 1:30:10 PM
To: Lara, Rhina [Lara.Rhina@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: RE: Press Inquiry re: Dicamba, Deadline 1 PM EST

Flag: Follow up

Hi Rhina. This looks good to me, although it may help to point out that we never received an application for registration from Corteva for Fexapan, so it was never considered.

Thanks,
Dan

From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Wednesday, October 28, 2020 7:36 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Press Inquiry re: Dicamba, Deadline 1 PM EST

Hi,

The press inquiries have started rolling in! These first two are pretty straightforward. I'll need a response as soon as possible to meet the deadline.

Dear EPA:

I sat in on the EPA press conference this afternoon regarding dicamba re-registration. Alex Dunn said the re-registration covers three dicamba formulations—XtendiMax, Engenia, and Tavium. There is a fourth one that has been present since 2017—FeXapan from Corteva. Is this covered in the re-registration process? – Gil Gullickson, *Successful Farming*

What about Fexapan? Corteva's product. Has it been registered, as well? – Steve Davies, Agripulse

Proposed answer:

EPA's 2020 registration decision does not re-register FeXapan from Corteva. The registration covers two "over-the-top" dicamba products -XtendiMax with VaporGrip Technology and Engenia Herbicide—and extended the registration for an additional OTT dicamba product, Tavium Plus VaporGrip Technology.

Best,
Rhina M. Lara (*she/her/hers*)
Communications Branch
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Phone: (202) 815- 5722

Message

From: Kenny, Daniel [Kenny.Dan@epa.gov]
Sent: 10/23/2020 5:54:49 PM
To: Lara, Rhina [Lara.Rhina@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
CC: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: RE: Urgent Review Dicamba PR

Looking now. There are a couple corrections.

From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Friday, October 23, 2020 1:46 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Subject: FW: Urgent Review Dicamba PR
Importance: High

Pinging again as we are down to 5 min.

From: Lara, Rhina
Sent: Friday, October 23, 2020 1:28 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Subject: Urgent Review Dicamba PR
Importance: High

Hi,

I need a response ASAP as this is due in 15 min. Any showstoppers? Here is the final Dicamba Press Release after OPA's review:

EPA Announces 2020 Dicamba Registration Decision

XXX—At an event in X, U.S. Environmental Protection Agency (EPA) Administrator Andrew Wheeler announced the next step for dicamba registration. EPA is approving new registrations for two dicamba products and extending the registration of an additional dicamba product. All three registrations include stringent control measures to protect the environment, including non-target plants, animals, and other crops not tolerant to dicamba.

“With today’s decision, farmers now have the certainty they need to make plans for their 2021 growing season,” **said EPA Administrator Andrew Wheeler.** “After reviewing substantial amounts of new information, conducting scientific assessments based on the best available science, and carefully considering input from stakeholders we have reached a resolution that’s good for our farmers, our economy, and our environment.”

Through today’s action, EPA approved new registrations for two “over the top” (OTT) dicamba products—XtendiMax with VaporGrip Technology and Engenia Herbicide— and extended the registration for an additional OTT dicamba product, Tavium plus VaporGrip Technology. These registrations are only for use on dicamba-tolerant (DT) cotton and DT soybeans and will expire in 2025, providing certainty to American agriculture for the upcoming growing season and beyond.

To manage off-site movement of dicamba, EPA's 2020 registration features important control measures, including:

- Requiring an approved pH-buffering agent (also called a Volatility Reduction Agent or VRA) be tank mixed with over-the-top dicamba products prior to all applications to control volatility;
- More than doubling the size of required downwind buffers compared to the 2018 OTT dicamba labels; in counties where endangered species may exist, the required buffers are even bigger;
- Prohibiting OTT application of dicamba on soybeans after June 30 and cotton after July 30;
- Simplifying the label and use directions so that growers can more easily determine when and how to properly apply dicamba; and
- Implementing new measures that consider how dicamba can affect endangered species and the resources that they may depend on.

The 2020 registration labels also provide new flexibilities for growers and states. For example, there are opportunities for growers to reduce the downwind spray buffer for soybeans through use of certain approved hooded sprayers as an alternative control method. EPA also recognizes and supports the important authority FIFRA section 24 gives the states for issuing locally appropriate regulations for pesticide use. If a state wishes to expand the federal OTT uses of dicamba to better meet special local needs, the Agency will work with them to support their goals.

This action was informed by input from state regulators, grower groups, academic researchers, pesticide manufacturers, and others. EPA reviewed substantial amounts of new information and conducted scientific assessments based on the best available science, including making an Effect Determination under the Endangered Species Act (ESA). With this information and input, EPA has concluded that these registration actions meet Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) registration standards. EPA believes that these new analyses address the concerns expressed in regard to EPA's 2018 dicamba registrations in the June 2020 U.S. Court of Appeals for the Ninth Circuit. After completing its Effects Determinations for dicamba uses on DT cotton and soybeans, EPA concluded that with the control measures now required on labels, these actions do not affect endangered or threatened species.

EPA will continue to work with its state partners to monitor for off-target damage.

To view the final registration of the dicamba products, visit docket EPA-HQ-OPP-2020-0492 at [regulations.gov](https://www.regulations.gov).

Background

The United States is the world's leading soybean producer and second leading soybean exporter and also serves as the world's third-largest cotton producer and the leading cotton exporter. Today, there are limited cost-effective options to control herbicide-resistant weeds affecting these commodities. In 2018, approximately 41 percent of U.S. soybean acreage was planted with dicamba-tolerant (DT) seed and almost 70 percent of U.S. cotton acreage was planted with DT seed in 2019. Relative to alternative herbicide programs, postemergence dicamba may reduce weed control costs for some growers, possibly by as much as \$10 per acre, or over five percent of net operating revenue, not accounting for all measures growers will have to take to control off-field movement of dicamba.

Following reports of damage resulting from the off-site movement of dicamba, EPA amended the dicamba registration labels in 2017 and in 2018. In June 2020, the U.S. Court of Appeals for the Ninth Circuit vacated the registrations for three dicamba products: XtendiMax with VaporGrip Technology, Engenia Herbicide, and DuPont FeXapan Herbicide. As a result of the Court's decision, EPA issued cancellation orders outlining

limited circumstances under which existing stocks of the three affected products could be distributed and used until July 31, 2020.

Best,

Rhina M. Lara (*she/her/hers*)

Communications Branch

Office of Chemical Safety and Pollution Prevention

U.S. Environmental Protection Agency

Phone: (202) 815- 5722

Message

From: Lara, Rhina [Lara.Rhina@epa.gov]
Sent: 10/28/2020 1:09:41 PM
To: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: Dicamba Press Inquiry: Deadline 1 PM EST

Got it! Thank you, Meg!

Best,
Rhina M. Lara (*she/her/hers*)
Communications Branch
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
Phone: (202) 815- 5722

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, October 28, 2020 9:06 AM
To: Lara, Rhina <Lara.Rhina@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Dicamba Press Inquiry: Deadline 1 PM EST

Hi Rhina:

One important change is to say the decision “registers,” not “re-registers.” The three products that got cancelled are still cancelled. Suggested edits:

Proposed answer:

EPA’s 2020 registration decision does not include a registration~~re-register FeXapan~~ from Corteva. The registration decision registers~~covers~~ two “over-the-top” dicamba products -XtendiMax with VaporGrip Technology (Bayer) and Engenia Herbicide (BASF)—and extends the registration for an additional OTT dicamba product, Tavium Plus VaporGrip Technology (Syngenta).

From: Lara, Rhina <Lara.Rhina@epa.gov>
Sent: Wednesday, October 28, 2020 7:54 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Dicamba Press Inquiry: Deadline 1 PM EST
Importance: High

Hi,

The press inquiries have started rolling in! These first two are pretty straightforward. I’ll need a response as soon as possible to meet the deadline.

Dear EPA:

I sat in on the EPA press conference this afternoon regarding dicamba re-registration. Alex Dunn said the re-registration covers three dicamba formulations—XtendiMax, Engenia, and Tavium. There is a fourth one that has been present since 2017—FeXapan from Corteva. Is this covered in the re-registration process? – Gil Gullickson, *Successful Farming*

What about Fexapan? Corteva's product. Has it been registered, as well? – Steve Davies, Agripulse

Proposed answer:

EPA's 2020 registration decision does not re-register FeXapan from Corteva. The registration covers two "over-the-top" dicamba products -XtendiMax with VaporGrip Technology and Engenia Herbicide—and extends the registration for an additional OTT dicamba product, Tavium Plus VaporGrip Technology.

Best,

Rhina M. Lara (*she/her/hers*)

Communications Branch

Office of Chemical Safety and Pollution Prevention

U.S. Environmental Protection Agency

Phone: (202) 815- 5722

Message

From: Schmid, Emily [Schmid.Emily@epa.gov]
Sent: 10/19/2020 3:45:08 PM
To: Meadows, Sarah [Meadows.Sarah@epa.gov]; Kenny, Daniel [Kenny.Dan@epa.gov]
CC: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: RE: Enhanced Reporting Question

I didn't know they didn't sell seed! Thanks Sarah!

From: Meadows, Sarah <Meadows.Sarah@epa.gov>
Sent: Monday, October 19, 2020 11:44 AM
To: Schmid, Emily <Schmid.Emily@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: Enhanced Reporting Question

I think it's just a Bayer vs BASF thing. BASF doesn't sell seed, so they wouldn't have the info.

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Monday, October 19, 2020 11:43 AM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Meadows, Sarah <Meadows.Sarah@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: Enhanced Reporting Question

The registration notice for Xtendimax includes this under Enhanced Reporting but Engenia doesn't:

Seed sales information for dicamba tolerant soybean seed and dicamba tolerant cotton seed. This information should include all sales of such seed for planting or planted in the 2017 through 2020 growing seasons and should be categorized by state.

Is there a reason we would require see sales for Xtendimax but not Engenia?

Emily Schmid
Product Manager 25
Herbicide Branch
Registration Division, Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Aubee, Catherine [Aubee.Catherine@epa.gov]
Sent: 6/15/2020 2:12:30 PM
To: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: Re: Dicamba ban

Thanks, Meg.

Best,
Catherine
Associate Director (Acting)
OPP Registration Division
US Environmental Protection Agency

On Jun 15, 2020, at 9:17 AM, Hathaway, Margaret <Hathaway.Margaret@epa.gov> wrote:

FYI: Perspective from Dr. Steve Li on what growers are doing in his area now regarding dicamba.

From: Steve Li <xzl0004@auburn.edu>
Sent: Saturday, June 13, 2020 9:08 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Dicamba ban

Thanks Meg! The EPA order allowing dicamba to be applied until July 31 is definitely helping a lot. Lots of dicamba are being sprayed these days. However, we are seeing a lot of illegal use or generics when people can not get Xtendimax, Engenia and FeXapan. Tavium supply is very tight, which worsen this problem. Hope a new formulation can be approved this fall.

Steve

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Thursday, June 11, 2020 5:38 PM
To: Steve Li <xzl0004@auburn.edu>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Dicamba ban

Hello Steve:

Unfortunately, we are still trying to find answers to the same questions. We will try to follow up as soon as we can get information on this situation.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Steve Li <xzl0004@auburn.edu>
Sent: Thursday, June 04, 2020 7:11 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: Dicamba ban

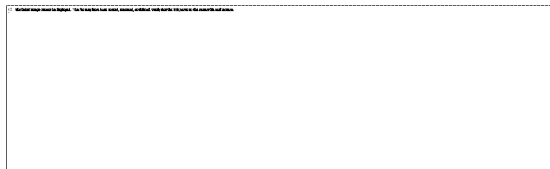
Hi Meg,

Hope you and your colleagues are doing well in the middle of unrest! Sad to see the dicamba ban verdict came out yesterday. I am curious when EPA may release any form of instructions regarding dicamba applications for the remaining season? There are a lot of panic buying of dicamba today as many farmers are trying to "stock up". Several chemical dealers said their phones have become a "dicamba hotline" and sold out 1 yr worth of dicamba sales within a day. Some growers still want to buy but were not able to get any product as manufacturers do not allow dealers place order anymore. My concern is some may stock up and use old illegal formulations if they cannot get labeled products. Lots of acreage will be sprayed in the next few days because of the uncertainty, possibly under not so great conditions. I got a dozen inquiries from growers but do not really know what to tell them.

Thanks!

--Steve Li, PhD

Extension Specialist, Assistant Professor
Department of Crop, Soil and Environmental Sciences
Auburn University
Auburn, AL. 36849.
O: 334-844-3804; C: 334-707-7370
steveli@auburn.edu



The content image001.jpg of type has been blocked.

Message

From: Kenny, Daniel [Kenny.Dan@epa.gov]
Sent: 7/2/2020 2:48:40 PM
To: Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
CC: Schmid, Emily [Schmid.Emily@epa.gov]
Subject: RE: Dicamba Litigation Timeline

Great job on this, Meg!

Dan R, just let us know if you need anything else on this. I'm thinking this should give Ed what he was looking for, but of course you know him better than me.

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Thursday, July 02, 2020 10:27 AM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: FW: Dicamba Litigation Timeline

Good morning, Dan:

Re. Ed Messina's request for a timeline of dicamba litigation events, OGC added to the list I sent you earlier and brought it up to date. Copies of the filings are attached in case those are needed as well.

Dicamba Litigation Timeline

On June 3, 2020 in the case entitled *National Family Farm Coalition, et. al. versus EPA*, the United States Court of Appeals for the Ninth Circuit Court (based in San Francisco, California) ruled that EPA's approval of three over-the-top dicamba herbicides (XtendiMax, Engenia and FeXapan) for genetically modified crops such as soybeans be vacated (or ended) immediately.

On June 8, 2020, EPA issued a cancellation order providing farmers with needed clarity following the Ninth Circuit's decision. The order outlines limited and specific circumstances under which existing stocks of the three affected dicamba products can be used, through July 31, 2020.

On June 11, 2020, the NGOs who had originally filed the complaint in this case (National Family Farm Coalition, Center for Biological Diversity, and Center for Food Safety) filed an emergency motion with the Ninth Circuit asking that the court enforce their original vacating order and find EPA in contempt.

On June 12, 2020 BASF Corporation and E.I. du Pont de Nemours and Company each filed motions to intervene.

On June 16, 2020, the Department of Justice, on behalf of EPA, filed its response to the NGOs request, arguing that EPA had complied with the court's order in treating the products as unregistered. The cancellation order is a separate legal action, that consistent with the Court's order, and does not allow distribution and sale of these products, except in limited circumstances. The cancellation order also bans use of existing stocks after July 31, 2020, and requires that any use of existing stocks prior to July 31, 2020 follow previously-approved label conditions.

Also on June 16, 2020, Monsanto filed a brief in response to Petitioners' motion to enforce the Court's order and for contempt. duPont file a reservation of rights to join in Monsanto's brief if its motion to intervene is granted. BASF filed a brief and a cross-motion to recall the mandate and allow rehearing on whether the Court has jurisdiction over the Engenia registration. The American Farm Bureau Federation and Croplife America each filed motions for leave to file amicus curiae briefs.

On June 17, 2020, Petitioners filed their opposition to the BASF and du Pont motions to intervene.

On June 19, 2020, Petitioners filed their opposition to the American Farm Bureau Federation and Croplife America each filed motions for leave to file amicus curiae briefs. The Court issued a series of orders; the most significant denied Petitioners' emergency motion to enforce the Court's vacatur and hold EPA in contempt. The Court also granted Petitioners' motion to file an oversized reply brief for their emergency motion, granted the BASF and du Pont motions to intervene, and granted the American Farm Bureau Federation and Croplife America's motions for leave to file amicus briefs.

On June 23, 2020, Petitioners filed their opposition to BASF's cross-motion to recall the mandate and allow rehearing on jurisdiction over Engenia.

On June 24, 2020, Intervenors BASF and du Pont filed reply briefs in support of BASF's cross-motion to recall the mandate and allow rehearing on jurisdiction over Engenia.

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

Message

From: Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Sent: 7/1/2020 6:37:23 PM
To: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: OCSPP/RDD July 9 mtg. agenda topics: Dicamba; AEZ; COVID statements

Flag: Follow up

Meg – yes – this looks good. Thanks for this summary.

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, July 1, 2020 1:36 PM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: OCSPP/RDD July 9 mtg. agenda topics: Dicamba; AEZ; COVID statements

Hi Dan R.:
Great – I've sent OGC an email.

Re. your request for a “most popular questions” shortlist, interestingly, almost no one is asking about Tavium. Maybe that means that people are clear on it still being registered, and are therefore focusing their attention elsewhere.

The single most asked-about topic was the following section of EPA's cancellation order: “c. *Distribution or sale by commercial applicators*. For the purpose of facilitating use no later than July 31, 2020, distribution or sale of existing stocks of products listed below that are in the possession of commercial applicators is permitted.” Questioners posed all sorts of scenarios and asked if they would be permitted under this sentence of EPA's order. The definitions of “possession” and “sale,” in relation to product claimed but not yet located on a growers' own land, were also common asks.

Here is a summary of the questions that stood out to me from the master list:

1. Is the court ruling only for the OTT uses, meaning other labelled uses on the product are still allowed? Or does the court's vacatur mean the products' full registrations are null and void as of June 3, 2020?
2. Are the 24c registrations still valid? If so, and my state's 24c has a cut-off date, can I extend the 24c registration through December 20, 2020?
3. Is there exemption of the OTT application ban for applications made for research purposes?
4. Can states submit a section 18-emergency exemption to allow the use of dicamba for the remainder of the 2020 growing season? If not, is there another route EPA would consider to enable continued OTT applications this year?
5. What is EPA's guidance on dicamba product sold between June 3 and June 8 (the date of the EPA cancellation order)?
6. What does the word “possession” mean under paragraph 2 of the EPA cancellation order on page 11?
 - a. For example, in situations where a producer has pre-paid or contracted for product but it is still located on a retailer's facility, is lawful to move the product for purposes of application?
 - b. Can product in the possession of the end user (applicators) can be used through July 31, 2020?
7. On commercial applicators:
 - a. With regard to paragraph 2(c) (on page 11), if a company is both a commercial applicator and retailer, can it continue to sell product even if some of their individual retail locations don't provide commercial application services?
 - b. Can pesticide dealers continue to sell product to commercial or private applicators?

- c. Is “distribution” here is intended to include allowing a commercial applicator to continue to sell unopened product to either other commercial applicators or private applicators?
- d. Can commercial applicator continue to sell product for their own for hire application to a farm as part of a service that has not already been purchased by the grower prior to June 3?
- e. If I am a pesticide dealer (retailer) AND a commercial applicator, may I still sell existing products to growers through a simple retail transaction if I am not also commercially applying the product for the grower?

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Sent: Wednesday, July 01, 2020 11:16 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: FW: OCSPP/RDD July 9 mtg. agenda topics: Dicamba; AEZ; COVID statements

Hi Meg – thanks for jumping on this.

Unless you hear otherwise from Ed – I do like your thought to reach out to OGC as a next step.

Also – please extract the ‘top’ questions that seem to have come in and summarize those. Another suggestion would be to add in dates such as the stop use date from the cancellation order, and the expiration date for Tavium.

He also might need a bullet or two that speaks to going forward, such as the evaluation of submitted conditional data and incidents. Plus our expectation that dicamba registrants may be submitting applications that might cover 2021, although make no promises about how that would turn out.

Reach out if you want to chat about it.

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, July 1, 2020 10:17 AM
To: Messina, Edward <Messina.Edward@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: RE: OCSPP/RDD July 9 mtg. agenda topics: Dicamba; AEZ; COVID statements

Hello Ed:

For a timeline, the best list I’ve seen is the OGC-approved version that you distributed earlier, though that list only covers from June 3rd through June 16th. I’ve copied that below for your reference, and can reach out to OGC for help in updating the list to be more current. Would an expanded list, formatted as seen below, contain what you need for the upcoming RDD meeting on July 9th?

Regarding stakeholder questions, RD has not responded to any of the questions we have received, other than to acknowledge receipt. It’s been our understanding that our focus should be on tracking dicamba inquiries coming to our

office but that we should wait for responses approved by the AA's office before replying. If that is incorrect, please let us know and RD can change direction.

June 3rd through June 16th Dicamba Litigation Timeline, Cleared by OGC.

On June 3, 2020 in the case entitled *National Family Farm Coalition, et. al. versus EPA*, the United States Court of Appeals for the Ninth Circuit Court (based in San Francisco, California) ruled that EPA's approval of three over-the-top dicamba herbicides (XtendiMax, Engenia and FeXapan) for genetically modified crops such as soybeans be vacated (or ended) immediately.

On June 8, 2020, EPA issued a cancellation order providing farmers with needed clarity following the Ninth Circuit's decision. The order outlines limited and specific circumstances under which existing stocks of the three affected dicamba products can be used, through July 31, 2020.

On June 11, 2020, the NGO's who had originally filed the complaint in this case (National Family Farm Coalition, Center for Biological Diversity, and Center for Food Safety) filed an emergency motion with the Ninth Circuit asking that the court enforce their original vacating order and find EPA in contempt.

On June 16, 2020, the Department of Justice, on behalf of EPA, filed its response to the NGO's request, arguing that EPA had complied with the court's order in treating the products as unregistered. The cancellation order is a separate legal action, that consistent with the Court's order, and does not allow distribution and sale of these products, except in limited circumstances. The cancellation order also bans use of existing stocks after July 31, 2020, and requires that any use of existing stocks prior to July 31, 2020 follow previously-approved label conditions.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Messina, Edward <Messina.Edward@epa.gov>
Sent: Tuesday, June 30, 2020 8:05 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>
Subject: FW: OCSPP/RDD July 9 mtg. agenda topics: Dicamba; AEZ; COVID statements

Can someone prepare some talking points for me for the RDD's I think I will just go through a timeline of dates? Decision, EPA order, briefs filed in the case, decision to not seek appeal, close of briefing schedule. Something along those lines? Also, any questions we have answered.

Ed

Ed Messina, Esq.

Acting Office Director
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
p: (703) 347-0209

From: Garcia, Beth <garcia.beth@epa.gov>
Sent: Tuesday, June 30, 2020 5:23 PM
To: Messina, Edward <Messina.Edward@epa.gov>
Cc: Goodis, Michael <Goodis.Michael@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Mosby, Jackie <Mosby.Jackie@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>; O'Neill, Sandra <O'Neill.Sandra@epa.gov>; Gaines, Jennifer <gaines.jennifer@epa.gov>; Schroeder, Carolyn <Schroeder.Carolyn@epa.gov>; Lloyd, Matthew <Lloyd.Matthew@epa.gov>
Subject: OCSPP/RDD July 9 mtg. agenda topics: Dicamba; AEZ; COVID statements

Ed:

Thanks again for doing the Hemp briefing on last month's OCSPP/RDD call. We received feedback from the Regional Ag Advisors and RDD that it was useful.

For the upcoming OCSPP/RDD July 9th meeting from 2-3pm, we would like to touch base on Dicamba (10 mins.) since the regions are still fielding a lot of questions and a lot has happened since the last meeting. Please let me know if you or someone else is available to speak about this.

In addition, other OPP topics would be the AEZ rule, C&T update and the status of the COVID statements (5 mins.). The WPS statement came out since we last met and the CPA statement is at OMB. In previous meetings, Carolyn has covered these topic so we are hoping she is available to cover these topics.

Speaking of the COVID-19 statements, as you are aware OECA has issued the addendum to the Temporary Enforcement Policy (TEP), which includes a termination date of August 31, 2020 (see [COVID-19 Enforcement and Compliance Resources webpage](#).) A follow up question is how/whether this impacts the COVID-19 statements OPP has issued so far. While we fully appreciate and understand this question may not be ready to answer by next week, it would be good to understand the various considerations.

I look forward your feedback and working with you and Mike in your new roles!

Sincerely,
Beth
Beth Garcia
Lead Region Coordinator for OCSPP
EPA Region 3
(215) 814-5243

Message

From: Kenny, Daniel [Kenny.Dan@epa.gov]
Sent: 7/1/2020 4:32:44 PM
To: Hathaway, Margaret [Hathaway.Margaret@epa.gov]; Rosenblatt, Daniel [Rosenblatt.Dan@epa.gov]
Subject: RE: OCSPP/RDD July 9 mtg. agenda topics: Dicamba; AEZ; COVID statements

Thanks Meg!

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, July 01, 2020 12:30 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Subject: RE: OCSPP/RDD July 9 mtg. agenda topics: Dicamba; AEZ; COVID statements

Thanks Dan. OGC seems to be the shop with the appropriate expertise for this ask. I'll keep you in the loop on what Scott and Michele write back.

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Wednesday, July 01, 2020 12:23 PM
To: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: RE: OCSPP/RDD July 9 mtg. agenda topics: Dicamba; AEZ; COVID statements

Thanks Meg, great job getting on this quickly. I definitely like the idea of looping in OGC (I almost think that this request would have been best served by them in the beginning). Not only do we need them to check the language, but I also think there have been a couple additional items that have occurred since 6/16, including the court's response to the emergency motion and the court's response to BASF's rehearing request.

From: Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>
Sent: Wednesday, July 01, 2020 11:16 AM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: FW: OCSPP/RDD July 9 mtg. agenda topics: Dicamba; AEZ; COVID statements

Hi Meg – thanks for jumping on this.

Unless you hear otherwise from Ed – I do like your thought to reach out to OGC as a next step.

Also – please extract the 'top' questions that seem to have come in and summarize those. Another suggestion would be to add in dates such as the stop use date from the cancellation order, and the expiration date for Tavium.

He also might need a bullet or two that speaks to going forward, such as the evaluation of submitted conditional data and incidents. Plus our expectation that dicamba registrants may be submitting applications that might cover 2021, although make no promises about how that would turn out.

Reach out if you want to chat about it.

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, July 1, 2020 10:17 AM
To: Messina, Edward <Messina.Edward@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Dinkins, Darlene

<Dinkins.Darlene@epa.gov>

Subject: RE: OCSPP/RDD July 9 mtg. agenda topics: Dicamba; AEZ; COVID statements

Hello Ed:

For a timeline, the best list I've seen is the OGC-approved version that you distributed earlier, though that list only covers from June 3rd through June 16th. I've copied that below for your reference, and can reach out to OGC for help in updating the list to be more current. Would an expanded list, formatted as seen below, contain what you need for the upcoming RDD meeting on July 9th?

Regarding stakeholder questions, RD has not responded to any of the questions we have received, other than to acknowledge receipt. It's been our understanding that our focus should be on tracking dicamba inquiries coming to our office but that we should wait for responses approved by the AA's office before replying. If that is incorrect, please let us know and RD can change direction.

June 3rd through June 16th Dicamba Litigation Timeline, Cleared by OGC.

On June 3, 2020 in the case entitled *National Family Farm Coalition, et. al. versus EPA*, the United States Court of Appeals for the Ninth Circuit Court (based in San Francisco, California) ruled that EPA's approval of three over-the-top dicamba herbicides (XtendiMax, Engenia and FeXapan) for genetically modified crops such as soybeans be vacated (or ended) immediately.

On June 8, 2020, EPA issued a cancellation order providing farmers with needed clarity following the Ninth Circuit's decision. The order outlines limited and specific circumstances under which existing stocks of the three affected dicamba products can be used, through July 31, 2020.

On June 11, 2020, the NGO's who had originally filed the complaint in this case (National Family Farm Coalition, Center for Biological Diversity, and Center for Food Safety) filed an emergency motion with the Ninth Circuit asking that the court enforce their original vacating order and find EPA in contempt.

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Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
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(703) 305-5076

From: Messina, Edward <Messina.Edward@epa.gov>

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To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Aubee, Catherine <Aubee.Catherine@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Dinkins, Darlene

<Dinkins.Darlene@epa.gov>

Subject: FW: OCSPP/RDD July 9 mtg. agenda topics: Dicamba; AEZ; COVID statements

Can someone prepare some talking points for me for the RDD's I think I will just go through a timeline of dates? Decision, EPA order, briefs filed in the case, decision to not seek appeal, close of briefing schedule. Something along those lines? Also, any questions we have answered.

Ed

Ed Messina, Esq.
Acting Office Director
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
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p: (703) 347-0209

From: Garcia, Beth <garcia.beth@epa.gov>

Sent: Tuesday, June 30, 2020 5:23 PM

To: Messina, Edward <Messina.Edward@epa.gov>

Cc: Goodis, Michael <Goodis.Michael@epa.gov>; Dinkins, Darlene <Dinkins.Darlene@epa.gov>; Mosby, Jackie <Mosby.Jackie@epa.gov>; Wormell, Lance <Wormell.Lance@epa.gov>; O'Neill, Sandra <O'Neill.Sandra@epa.gov>; Gaines, Jennifer <gaines.jennifer@epa.gov>; Schroeder, Carolyn <Schroeder.Carolyn@epa.gov>; Lloyd, Matthew <Lloyd.Matthew@epa.gov>

Subject: OCSPP/RDD July 9 mtg. agenda topics: Dicamba; AEZ; COVID statements

Ed:

Thanks again for doing the Hemp briefing on last month's OCSPP/RDD call. We received feedback from the Regional Ag Advisors and RDD that it was useful.

For the upcoming OCSPP/RDD July 9th meeting from 2-3pm, we would like to touch base on Dicamba (10 mins.) since the regions are still fielding a lot of questions and a lot has happened since the last meeting. Please let me know if you or someone else is available to speak about this.

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I look forward your feedback and working with you and Mike in your new roles!

Sincerely,

Beth

Beth Garcia

Lead Region Coordinator for OCSPP

EPA Region 3
(215) 814-5243

Message

From: Hopkins, Yvette [Hopkins.Yvette@epa.gov]
Sent: 6/10/2020 2:08:56 PM
To: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: RE: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations- Qs to OPP

I'm just on a detail to OECA and sent this to Lance to see if the same messaging had been sent to the states and regions, because I am still on the regional contacts list and I never saw anything. Amy Sullivan should also send this to AAPCO, but it is not my job so I need to back off!

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Wednesday, June 10, 2020 10:06 AM
To: Hopkins, Yvette <Hopkins.Yvette@epa.gov>
Subject: RE: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations- Qs to OPP

Thanks Yvette!

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Hopkins, Yvette <Hopkins.Yvette@epa.gov>
Sent: Wednesday, June 10, 2020 10:00 AM
To: OECA-OC-MAMPD-PWTB <OECA-OC-MAMPD-PWTB@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: FW: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations- Qs to OPP

All,

Please direct questions regarding the dicamba cancellations to Margaret Hathaway in OPP's Registration Division who will be the POC..

Yvette S. Hopkins
Acting Chief, Pesticides Waste and Toxics Branch
Monitoring Assistance and Media Programs Division
Office of Compliance, Office of Enforcement and Compliance Assurance
(202) 564-9642

From: Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>
Sent: Wednesday, June 10, 2020 9:56 AM
To: Hopkins, Yvette <Hopkins.Yvette@epa.gov>
Subject: FW: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

Please share with the branch all questions on the dicamba cancelled registrations go to Meg Hathaway. Thanks.

Elizabeth Vizard
Deputy Division Director, Acting
Monitoring, Assistance & Media Programs Division
Office of Compliance
202-564-5940

From: Messina, Edward <Messina.Edward@epa.gov>
Sent: Wednesday, June 10, 2020 9:31 AM
To: Teter, Royan <Teter.Royan@epa.gov>; Vizard, Elizabeth <Vizard.Elizabeth@epa.gov>
Subject: FW: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

fyi

Ed Messina, Esq.
Deputy Office Director (Programs)
Office of Pesticide Programs
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, D.C.
p: (703) 347-0209

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Wednesday, June 10, 2020 9:23 AM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>; Koslow, Karin <Koslow.Karin@epa.gov>; Saenz, Diana <Saenz.Diana@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: Re: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

Thanks Rosemarie. Please refer all Q's to Meg Hathaway. She is curating the questions we are receiving.

Rick Keigwin
Director, Office of Pesticide Programs
U.S. Environmental Protection Agency
Phone: 703-305-7090
Website: <http://www.epa.gov/pesticides>
Sent from my iPhone (Please excuse typos!)

On Jun 10, 2020, at 9:20 AM, Kelley, Rosemarie <Kelley.Rosemarie@epa.gov> wrote:

Rick—

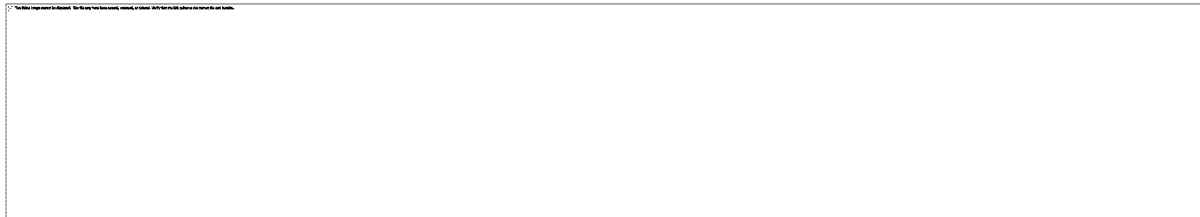
Thanks. Susan shared the cancellation order with us.

We are getting lots of questions from Regions about what the order means, especially with respect to distribution. We've been referring those calls to your office.

Rosemarie

From: Keigwin, Richard <Keigwin.Richard@epa.gov>
Sent: Tuesday, June 09, 2020 12:28 PM
To: Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Cc: Messina, Edward <Messina.Edward@epa.gov>
Subject: EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

Just wanted to bring this to your attention. I know OECA wasn't involved in the drafting, but we may need some input from OCE as we respond to questions about what types of activities constitute sale and distribution under FIFRA.



EPA Offers Clarity to Farmers in Light of Recent Court Vacatur of Dicamba Registrations

WASHINGTON (June 8, 2020) – Today, the U.S. Environmental Protection Agency (EPA) issued a key order providing farmers with needed clarity following the Ninth Circuit Court of Appeals' June 3, 2020 vacatur of three dicamba registrations. Today's cancellation order outlines limited and specific circumstances under which existing stocks of the three affected dicamba products can be used for a limited period of time. EPA's order will advance protection of public health and the environment by ensuring use of existing stocks follows important application procedures.

"At the height of the growing season, the Court's decision has threatened the livelihood of our nation's farmers and the global food supply," **said EPA Administrator Andrew Wheeler**. "Today's cancellation and existing stocks order is consistent with EPA's standard practice following registration invalidation, and is designed to advance compliance, ensure regulatory certainty, and to prevent the misuse of existing stocks."

EPA's order will mitigate some of the devastating economic consequences of the Court's decision for growers, and particularly rural communities, at a time they are experiencing great stress due to the COVID-19 public health emergency.

Details of the Order

EPA's order addresses sale, distribution, and use of existing stocks of the three affected dicamba products - XtendiMax with vapor grip technology, Engenia, and FeXapan.

1. Distribution or sale by any person is generally prohibited except for ensuring proper disposal or return to the registrant.
2. Growers and commercial applicators may use existing stocks that were in their possession on June 3, 2020, the effective date of the Court decision. Such use must be consistent with the product's previously-approved label, and may not continue after July 31, 2020.

Background

On June 3, 2020, the Ninth Circuit Court of Appeals issued an order vacating EPA's pesticide registrations containing the active ingredient dicamba: Xtendimax with Vaporgrip Technology (EPA Reg. No. 524-617); Engenia - (EPA Reg. No. 7969-345); and FeXapan - (EPA Reg. No. 352-913).

Dicamba is a valuable pest control tool that farmers nationwide planned to use during the 2020 growing season. Since the Court issued its opinion, the agency has been overwhelmed with letters and calls from farmers citing the devastation of this decision on the millions of acres of crops, millions of dollars already invested by farmers, and threat to America's food supply.

Please let me know if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

Message

From: Schmid, Emily [Schmid.Emily@epa.gov]
Sent: 6/18/2020 7:41:10 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: RE: SLITs Xtendimax Question

I looked at it before I replied and asked Sarah about it too. The directions for use say that you can apply it until 45 days after planting but doesn't specify that only applies to a certain type of application.

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Thursday, June 18, 2020 3:27 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>
Subject: RE: SLITs Xtendimax Question

If it's over the top to soybeans, my guess would be that yes, the use would be restricted by the 45-day restriction. Unless there's an exception on the label, or if the use was previously on the label and is not in association with GMO soybeans, I'm not sure how to exclude it. If it was on the label separately from the OTT uses (i.e., wiper application so that you did not harm the soybean), it might be OK. Has anyone looked at the label for directions for that use? Or is this a 2ee use?

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Thursday, June 18, 2020 9:26 AM
To: Schmid, Emily <Schmid.Emily@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: SLITs Xtendimax Question

Hi Emily:

I'm curious about this wiper question too. My guess would be that no, wiper applications don't count as OTT, but I see the questioner's point.

Have we sent a response back to Tim on this yet? I saw that the SLITs due date for this question was 6/17, but don't know if a SLITs deadline can be superseded by active litigation back-and-forth.

- Meg

From: Schmid, Emily <Schmid.Emily@epa.gov>
Sent: Monday, June 15, 2020 12:41 PM
To: Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Subject: SLITs Xtendimax Question

Hi Dan,

I thought I should let you know that I got a SLITs question from Tim Creger about Xtendimax:

Requester (Value Required)	TIM CREGER
Entity (Value Required)	Nebraska
Request Date	06-15-2020 00:00

Complete Date	
Due Date	06-17-2020 12:01
Product # (Value Required)	524-617
	(Note: Distributor product number can be placed in the "Brief Desc" or "Detailed Desc" field.)
Product Name (Value Required)	M1768 HERBICIDE
PC Code (Value Required)	128931 Dicamba, diglycolamine salt
OPP Team (Value Required)	RM 25
Risk Manager (Value Required)	Emily Schmid
Subject (Value Required)	Label Restrictions
Brief Desc (Value Required)	Does the 45-day post-planting restriction apply to wiper applications?
Detailed Desc (Value Required)	A grower is asking if the in-season post-emergence wiper application of section 9.4 of the label allows for use over the top after the 45-day post-planting restriction that is identified in section 12.2. In other words, are wiper applications considered the same as spray applications for over the top post-plant restrictions?
Status	Awaiting EPA Response

Emily Schmid
Product Manager 25
Herbicide Branch
Registration Division, Office of Pesticide Programs
U.S. Environmental Protection Agency

Message

From: Schulze, Chad [Schulze.Chad@epa.gov]
Sent: 6/11/2020 7:12:10 PM
To: Kenny, Daniel [Kenny.Dan@epa.gov]; Hathaway, Margaret [Hathaway.Margaret@epa.gov]
CC: Anderson, Neil [Anderson.Neil@epa.gov]; Terada, Derrick [Terada.Derrick@epa.gov]
Subject: RE: EPA Dicamba Cancelation VS Court Order

Totally understand Dan!

Thanks for the update!

Sincerely,
Chad

Chad Schulze
Pesticide Enforcement Coordinator
Deputy Unit Diving Officer
Air & Toxics Enforcement Section
Enforcement & Compliance Assurance Division (ECAD)
EPA Region 10 (20-C04)
1200 6th Ave, Suite 155
Seattle, WA 98101
206-553-0505 (ph)
206-771-3058 (cell)
schulze.chad@epa.gov
<https://www.epa.gov/pesticide-contacts/region-10-pesticide-program-and-contacts>

EPA DIVE UNIT:
<https://www.epa.gov/scientific-diving> or <https://www.epa.gov/diving>

Like us on Facebook! <http://www.facebook.com/EPADivers>

From: Kenny, Daniel <Kenny.Dan@epa.gov>
Sent: Thursday, June 11, 2020 12:10 PM
To: Schulze, Chad <Schulze.Chad@epa.gov>; Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Anderson, Neil <Anderson.Neil@epa.gov>; Terada, Derrick <Terada.Derrick@epa.gov>
Subject: RE: EPA Dicamba Cancelation VS Court Order

Hi Chad. Unfortunately, we are still trying to find answers to the same questions. We will let you know as soon as we can, but don't have any answers yet. We will try to follow up as soon as we can get any information on this.

Thanks,
Dan Kenny

From: Schulze, Chad <Schulze.Chad@epa.gov>
Sent: Thursday, June 11, 2020 1:30 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Cc: Anderson, Neil <Anderson.Neil@epa.gov>; Terada, Derrick <Terada.Derrick@epa.gov>
Subject: RE: EPA Dicamba Cancelation VS Court Order

Hi Meg and Dan,

I keep getting calls from ISDA as they are trying to send out Advisory Notices to their dealers and end users about the dicamba Cancellation Order.

They are also wondering if EPA may modify/change the Order in the near future to address concerns from the registrants and State regulatory agencies.

Lastly, do you know if OECA is working on a compliance strategy for this Cancellation Order?

Any insight would be helpful.

Thank you!

Sincerely,
Chad

Chad Schulze
Pesticide Enforcement Coordinator
Deputy Unit Diving Officer
Air & Toxics Enforcement Section
Enforcement & Compliance Assurance Division (ECAD)
EPA Region 10 (20-C04)
1200 6th Ave, Suite 155
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206-553-0505 (ph)
206-771-3058 (cell)
schulze.chad@epa.gov
<https://www.epa.gov/pesticide-contacts/region-10-pesticide-program-and-contacts>

EPA DIVE UNIT:
<https://www.epa.gov/scientific-diving> or <https://www.epa.gov/diving>

Like us on Facebook! <http://www.facebook.com/EPADivers>

From: Anderson, Neil <Anderson.Neil@epa.gov>
Sent: Wednesday, June 10, 2020 5:25 AM
To: Schulze, Chad <Schulze.Chad@epa.gov>; Baris, Reuben <Baris.Reuben@epa.gov>
Cc: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: EPA Dicamba Cancellation VS Court Order

Hello Chad,

I don't know the direct answer to your question, but I have included in this reply two people who may be able to answer that for you. Meg (Margaret) Hathaway and Dan Kenny are in the Registration Division and are working more closely with the dicamba actions than I.

Also, just so you know, Reuben Baris left the EPA earlier this year.

Hope you and your family are safe and healthy.

Kind Regards,
Neil

Neil Anderson
Deputy Director
Biological and Economic Analysis Division, Office of Pesticide Programs
US EPA (Mail Code 7503P)
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Phone: 703-308-8187
anderson.neil@epa.gov

Visit us on the Web at: <http://www.epa.gov/pesticides/>

From: Schulze, Chad <Schulze.Chad@epa.gov>
Sent: Tuesday, June 09, 2020 4:50 PM
To: Baris, Reuben <Baris.Reuben@epa.gov>; Anderson, Neil <Anderson.Neil@epa.gov>
Subject: EPA Dicamba Cancellation VS Court Order

Hi Reuben and Neil,

I was just contacted by our partners with the Idaho Department of Agriculture (ISDA) regarding the recent Court Order and subsequent EPA Cancellation Order of three Dicamba products, Xtendimax with Vaporgrip Technology, EPA Reg. No. 524-6 17, Engenia, EPA Reg. No. 7969-345, and FeXapan, EPA Reg. No. 352-9 13.

Since the Court Order focused on issues and crops NOT found in Idaho, ISDA thought the Court Order would not apply to the use of these products in Idaho. However, the EPA Cancellation Order seems to broaden the scope to all uses in all areas of the country for these three products.

Do you have any insight as to EPA's rationale for this broadened approach ... or is ISDA wrong in their assumption that the Court Order only applied to the specific issues, areas and uses reviewed by the Court?

Thank you for any thoughts you have here!

Sincerely,
Chad

Chad Schulze
Pesticide Enforcement Coordinator
Deputy Unit Diving Officer
Air & Toxics Enforcement Section
Enforcement & Compliance Assurance Division (ECAD)
EPA Region 10 (20-C04)
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<https://www.epa.gov/pesticide-contacts/region-10-pesticide-program-and-contacts>

EPA DIVE UNIT:
<https://www.epa.gov/scientific-diving> or <https://www.epa.gov/diving>

Like us on Facebook! <http://www.facebook.com/EPADivers>

Message

From: Motilall, Christina [Motilall.Christina@epa.gov]
Sent: 6/24/2020 12:10:38 AM
To: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
CC: Kenny, Daniel [Kenny.Dan@epa.gov]
Subject: RE: Dicamba Check-In: Re: Introducing the "Dicamba Post-Litigation Outreach" Microsoft Teams group

Flag: Follow up

Sure, no problem, as long as no one plans to respond as of right now. Thanks!

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Tuesday, June 23, 2020 8:08 PM
To: Motilall, Christina <Motilall.Christina@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Dicamba Check-In: Re: Introducing the "Dicamba Post-Litigation Outreach" Microsoft Teams group

Sounds good. Thanks Christina.

I will forward the latest list of questions around to some more folks now for their reference, since this touches on multiple division's work.

- Meg

From: Motilall, Christina <Motilall.Christina@epa.gov>
Sent: Tuesday, June 23, 2020 8:04 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Dicamba Check-In: Re: Introducing the "Dicamba Post-Litigation Outreach" Microsoft Teams group

Hi Meg,

I appreciate the list and the breakdown! No, I have it handled with the AA's office but appreciate the offer. We are trying to sort this out from a comms lane on a few fronts. Will report back!

Best,
Christina

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Tuesday, June 23, 2020 7:59 PM
To: Motilall, Christina <Motilall.Christina@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Dicamba Check-In: Re: Introducing the "Dicamba Post-Litigation Outreach" Microsoft Teams group

Hello Christina:

Does the Herbicide Branch need to have a presence at tomorrow's meeting?

Here are static copies of the current question master list and accompanying Excel spreadsheet. I suggest you use the Word document primarily. There are about a dozen emails left that are proving tricky to process for various reasons, but what's in the current list pretty much captures all the questions, thematically speaking, that I've seen.

There are more rows on the Excel sheet than in the Word document because there were some questions that were duplicates. I did not attempt to pare down "similar" questions to a shorter list because there might be legal nuances I'd miss from over-consolidating everything.

Enjoy!

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Motilall, Christina <Motilall.Christina@epa.gov>
Sent: Tuesday, June 23, 2020 5:18 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Dicamba Check-In: Re: Introducing the "Dicamba Post-Litigation Outreach" Microsoft Teams group

Hi Meg,

The meeting is not until later in the day, thanks for asking. If there are any that don't get enter, you can also forward them to me for reference.

Thank you!

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Sent: Tuesday, June 23, 2020 5:14 PM
To: Motilall, Christina <Motilall.Christina@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Dicamba Check-In: Re: Introducing the "Dicamba Post-Litigation Outreach" Microsoft Teams group

Hi Christina:

When is your meeting? I'm working to enter more of the questions now, so could give you a more complete list later, but there are already a lot in the system.

- Meg

From: Motilall, Christina <Motilall.Christina@epa.gov>
Sent: Tuesday, June 23, 2020 4:59 PM
To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>
Cc: Kenny, Daniel <Kenny.Dan@epa.gov>
Subject: RE: Dicamba Check-In: Re: Introducing the "Dicamba Post-Litigation Outreach" Microsoft Teams group

Hi Meg,

Just got off a call with Mike G and he wanted me to follow-up with you on the list of inquiries you are getting on Dicamba. He noted you are all "radio silence" orders to not respond as well.

I am working with the AA's office on our responses to congressional and stakeholder inquiries and Mike would like for me to bring your list forward into my meeting with them. We will take an overarching look at everything that has come in and then craft a response (or two, if needed) that we can then have the office use.

Can you send me the current list of questions/inquiries you have received on Dicamba and who sent them?

Thank you!

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Sent: Tuesday, June 9, 2020 4:57 PM

To: Greene, Tylar <Greene.Tylar@epa.gov>; Han, Kaythi <Han.Kaythi@epa.gov>; Hernandez, Connie <Hernandez.Connle@epa.gov>; Motilall, Christina <Motilall.Christina@epa.gov>; O'Neill, Sandra <O'Neill.Sandra@epa.gov>; Schroeder, Carolyn <Schroeder.Carolyn@epa.gov>; Siedschlag, Gregory <Siedschlag.Gregory@epa.gov>

Cc: Kenny, Daniel <Kenny.Dan@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>

Subject: FW: Dicamba Check-In: Re: Introducing the "Dicamba Post-Litigation Outreach" Microsoft Teams group

FYI re. dicamba. The current list of questions RD/OGC and upper management are looking at this attached. But there are more that still need to be added to the list.

- Meg

From: Hathaway, Margaret

Sent: Tuesday, June 09, 2020 4:42 PM

To: Knorr, Michele <Knorr.Michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Striegel, Megan <Striegel.Megan@epa.gov>

Cc: Goodis, Michael <goodis.michael@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>

Subject: Dicamba Check-In: Re: Introducing the "Dicamba Post-Litigation Outreach" Microsoft Teams group

Hello Dicamba Response Team:

I have an update for you on the status of the Dicamba Post-Litigation Outreach" Microsoft Teams page.

The main document for your consideration is a Word file entitled "**Master Document for EPA Responses to Post-Litigation Dicamba Inquiries**," which is available in the "Files" tab of the "Inquiry Response Development" channel of the [teams page](#). I've attached a static copy of the document to this email for your reference. So far I have entered 34 unique questions into this document, organized into subcategories such as "States and 24cs" and "Tavium." I have not attempted to consolidate the sales and distribution-related list of questions, in case there are legal nuances of which I am unaware.

The "Master Document for EPA Responses to Post-Litigation Dicamba Inquiries" Word document is accompanied by an Excel tracking sheet I built entitled "**Post-Litigation Questions to EPA - Spreadsheet June 2020**." This spreadsheet contains metadata, where available to me, on who has asked us each question and when. This file is located in the "Files" tab of the "Inquiry Tracking" channel of the teams page.

Please note that the Master Document and accompanying tracking sheet do not yet contain all the inquiries that have been forwarded to me. I am working on uploading the outstanding items, but believe what is in there so far is representative of the type of asks we are receiving.

I've also uploaded various reference documents to the "Files" tab of the "Reference Documents" channel, such as copies of the court decision, our cancellation letter, and Bayer's recent response letter regarding the court's decision. Copies of

inquires are filed in the "Inquiry Tracking" channel instead. Please note that in many cases multiple questions were contained in a single email chain that's been uploaded.

Let me know if you have any questions on finding anything on the Teams site.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov
(703) 305-5076

From: Hathaway, Margaret
Sent: Tuesday, June 09, 2020 10:56 AM
To: Knorr, Michele <Knorr.Michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Kenny, Daniel <Kenny.Dan@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Cc: Goodis, Michael <goodis.michael@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>
Subject: Introducing the "Dicamba Post-Litigation Outreach" Microsoft Teams group

Good morning, everyone:

To assist us in coordinating responses to dicamba inquiries relating to the June 3rd court decision vacating the registrations of XtendiMax (Bayer), Engenia (BASF) and FeXapan (Corteva), I have created the "**Dicamba Post-Litigation Outreach**" group in Microsoft Teams.

For completeness, I have included everyone mentioned included on this email in the team. If you wish to be removed from the team, please let me know.

The Dicamba Post-Litigation Outreach team currently has three channels:

1. Inquiry Tracking
2. Inquiry Response Development
3. Reference Documents (for storage of static documents such as the court decision and EPA cancellation order)

I'm sure the structure of this team will evolve as we work through all of the requests coming in, but am happy to get things started. Please let me know if there are any suggestions you may have for how to improve this effort.

Thank you,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
hathaway.margaret@epa.gov

(703) 305-5076

Message

From: Keigwin, Richard [Keigwin.Richard@epa.gov]
Sent: 6/9/2020 6:04:45 PM
To: Hathaway, Margaret [Hathaway.Margaret@epa.gov]
Subject: Fwd: UPDATE!

Rick Keigwin
Director, Office of Pesticide Programs
U.S. Environmental Protection Agency
Phone: 703-305-7090
Website: <http://www.epa.gov/pesticides>
Sent from my iPhone (Please excuse typos!)

Begin forwarded message:

From: "Dennis, Allison" <Dennis.Allison@epa.gov>
Date: June 9, 2020 at 2:04:14 PM EDT
To: "Dunn, Alexandra" <dunn.alexandra@epa.gov>, "Meadows, Carrie Vicenta" <Meadows.CarrieVicenta@epa.gov>, "Keigwin, Richard" <Keigwin.Richard@epa.gov>, "Lis-Coghlan, Kamila" <lis-coghlan.kamila@epa.gov>, "Knorr, Michele" <Knorr.Michele@epa.gov>
Cc: "Knorr, Michele" <Knorr.Michele@epa.gov>, "Koch, Erin" <Koch.Erin@epa.gov>, "Fotouhi, David" <Fotouhi.David@epa.gov>, "Cole, Joseph E." <cole.josephe@epa.gov>, "Garrison, Scott" <Garrison.Scott@epa.gov>, "Bolen, Derrick" <bolen.derrick@epa.gov>, "Messina, Edward" <Messina.Edward@epa.gov>, "Goodis, Michael" <Goodis.Michael@epa.gov>
Subject: RE: UPDATE!

And here are the other q's I've seen from media so far:

- 1) Do you all have any ballpark idea of how much dicamba (at least for the uses in question in the court case and yesterday's EPA order) is actually out there? That, is, when we talk about existing stocks, how much might we be talking about?
- 2) Will this ruling delay or cancel the EPA's new license approval for dicamba this autumn?
- 3) Will the agency need to conduct more of its own testing on dicamba?
- 4) What does the court's decision mean for the legality of planting Xtend products—is there any effect?
- 5) Is Tavium at all affected by this decision? (as it was not specifically listed)
- 6) What does this mean for future registration of dicamba products for over-the-top use?
- 7) Are you notifying state ag departments, have you issued a bulletin notifying users they must cease or is that up to the companies to do?
- 8) Explain what is done to make sure FIFRA is respected when filing registrations for a herbicide.
- 9) What does this ruling mean for 2021 and beyond dicamba registration?
- 10) For farmers or retailers with XtendiMax, Engenia or FeXapan in their inventory what are their options? What would ramifications of application when the registration is vacated be?

11) Will this be appealed? Will the agency seek an emergency stay to the decision, as some states are requesting?

From: Dunn, Alexandra <dunn.alexandra@epa.gov>
Sent: Tuesday, June 09, 2020 2:02 PM
To: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Cc: Knorr, Michele <knorr.michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>; Dennis, Allison <Dennis.Allison@epa.gov>
Subject: RE: UPDATE!

+ Allison Dennis from our press team. This one just came in.

From: Steve Davies <steve@agri-pulse.com>
Sent: Tuesday, June 9, 2020 1:07 PM
To: Press <Press@epa.gov>
Subject: will EPA be issuing further guidance on dicamba?

Despite issuance of the cancellation order, I know many groups and state depts of ag still have questions, such as whether product already paid for by a farmer but in possession of an ag retailer can be used this season. Will EPA be issuing further clarification on what the cancellation order means?

Thank you

Steve Davies, Agri-Pulse

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency
Washington, DC

From: Dunn, Alexandra
Sent: Tuesday, June 9, 2020 12:43 PM
To: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Knorr, Michele <Knorr.Michele@epa.gov>
Cc: Knorr, Michele <Knorr.Michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: UPDATE!

Another letter and I think this one raises one of the questions we sketched out already.

Alexandra Dapolito Dunn, Esq.

Assistant Administrator
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency
Washington, DC

From: Dunn, Alexandra
Sent: Tuesday, June 9, 2020 10:55 AM
To: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Knorr, Michele <Knorr.Michele@epa.gov>
Cc: Knorr, Michele <Knorr.Michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: UPDATE!

Another letter w questions.

From: Dunn, Alexandra
Sent: Tuesday, June 9, 2020 10:52 AM
To: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Knorr, Michele <Knorr.Michele@epa.gov>
Cc: Knorr, Michele <Knorr.Michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: UPDATE!

All, I am going to invite us to a Skype Meeting for 1115 so that we can prioritize the work that needs to happen today, the form it will take, and the timing of it all. Please hop on and hopefully we can decide how to proceed and help one another.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency
Washington, DC

From: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>
Sent: Tuesday, June 9, 2020 10:20 AM
To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Cc: Knorr, Michele <knorr.michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: UPDATE!

I think these all go back to the same question—What constitutes a sell. I.e. if a product has been contracted verbally or in writing to a farmer OR a commercial applicator, but not yet paid for, is there an

issue with this product being transferred. So I think that also gets to Cotton's question of whether or not ONLY commercial applicators can have this product.

From: Dunn, Alexandra <dunn.alexandra@epa.gov>
Sent: Tuesday, June 9, 2020 10:08 AM
To: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>
Cc: Knorr, Michele <knorr.michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: UPDATE!

Carrie, which is the most IMPORTANT question PTSLO should answer now. Is it the cotton one? We have to prioritize.

From: Dunn, Alexandra
Sent: Tuesday, June 9, 2020 10:04 AM
To: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Knorr, Michele <Knorr.Michele@epa.gov>
Cc: Knorr, Michele <Knorr.Michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>
Subject: RE: UPDATE!

From Cotton, Steve Helmsley:

Unfortunately, emails are blowing up trying to interpret something that you may think is clear.

1. Is it correct that distributors and retailers who are NOT commercial applicators must return or dispose?
2. Is it correct that retailers who ARE commercial applicators can distribute or sell for the purpose of facilitating use? And,
 1. 'Distribute or sell' would mean they can apply it as applicators or sell it to growers to apply?

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency
Washington, DC

From: Dunn, Alexandra
Sent: Tuesday, June 9, 2020 10:03 AM
To: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Knorr, Michele

<Knorr.Michele@epa.gov>

Cc: Knorr, Michele <Knorr.Michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>

Subject: RE: UPDATE!

Question from CropLife and Jim Massie:

applicator and distributors need to know whether its "ok" to use the material that is already in the chain of distribution.

Jim Massie
202-841-8037

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency
Washington, DC

From: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>

Sent: Tuesday, June 9, 2020 9:53 AM

To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>

Cc: Knorr, Michele <knorr.michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>

Subject: RE: UPDATE!

Apologies to Meg in advance, but just confirming we should forward her all the inquiries.

From: Keigwin, Richard <Keigwin.Richard@epa.gov>

Sent: Tuesday, June 9, 2020 9:24 AM

To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>

Cc: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>; Goodis, Michael <Goodis.Michael@epa.gov>

Subject: RE: UPDATE!

Meg Hathaway in OPP's Registration Division will be our point for this effort.

From: Keigwin, Richard

Sent: Tuesday, June 09, 2020 8:40 AM

To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Knorr, Michele <Knorr.Michele@epa.gov>

Cc: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Knorr, Michele <Knorr.Michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>;

Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>

Subject: RE: UPDATE!

OPP will take the lead in getting the Teams site established. Mike Goodis is in the process of identifying someone to work with us in developing the Qs and As.

From: Dunn, Alexandra <dunn.alexandra@epa.gov>

Sent: Tuesday, June 09, 2020 8:18 AM

To: Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>

Cc: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>

Subject: RE: UPDATE!

Michele can you create the teams site pls?

Here's one from the OPA:

Q: Does this mean that the EPA says no more to using the three products at all after July 31? Is EPA not going to appeal this or to clarify, is this part of the appeal?

A (to be properly formatted): We cannot answer the question on appeal. Under EPA's cancellation order, after July 31, the product cannot be used.

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention

From: Block, Molly

Sent: Monday, June 8, 2020 8:45 PM

To: Dunn, Alexandra <dunn.alexandra@epa.gov>

Cc: Dennis, Allison <Dennis.Allison@epa.gov>; Hewitt, James <hewitt.james@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>

Subject: Re: Follow Up Press Inquiries

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
US Environmental Protection Agency
Washington, DC

From: Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>

Sent: Tuesday, June 9, 2020 7:01 AM

To: Keigwin, Richard <Keigwin.Richard@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>

Cc: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>;

Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>

Subject: RE: UPDATE!

PTSLO and I are also working on the following:

With regard to paragraph 2(c) (on page 11), if a company is both a commercial applicator and retailer, can it continue to sell product even if some of their individual retail locations don't provide commercial application services?

From: Keigwin, Richard <Keigwin.Richard@epa.gov>

Sent: Tuesday, June 9, 2020 6:45 AM

To: Dunn, Alexandra <dunn.alexandra@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>

Cc: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>

Subject: RE: UPDATE!

Not sure who is creating the Teams site, but here are some additional q's I received overnight:

- If a retailer is storing product for a grower who may have already bought it, can the grower have it? Or since it is in the retailer's facility, can they not take possession?
- What is the legal status of the movement of product that states allowed between June 3rd and June 8th?

From: Dunn, Alexandra <dunn.alexandra@epa.gov>

Sent: Monday, June 08, 2020 10:00 PM

To: Knorr, Michele <knorr.michele@epa.gov>

Cc: Meadows, Carrie Vicenta <Meadows.CarrieVicenta@epa.gov>; Knorr, Michele <knorr.michele@epa.gov>; Keigwin, Richard <Keigwin.Richard@epa.gov>; Koch, Erin <Koch.Erin@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Lis-Coghlan, Kamila <lis-coghlan.kamila@epa.gov>; Cole, Joseph E. <cole.josephe@epa.gov>; Garrison, Scott <Garrison.Scott@epa.gov>; Bolen, Derrick <bolen.derrick@epa.gov>

Subject: Re: UPDATE!

Let's go with a teams site. It will help I think!

Alexandra Dapolito Dunn, Esq.
Assistant Administrator
Office of Chemical Safety & Pollution Prevention
U.S. Environmental Protection Agency
Washington, DC

Sent from my iPhone

On Jun 8, 2020, at 9:28 PM, Bolen, Derrick <bolen.derrick@epa.gov> wrote:

<https://www.aradc.org/news/ara-seeks-clarification-epa-courts-dicamba-decisions-impact-ag-retailers>

Thank you,
Derrick Bolen

On Jun 8, 2020, at 9:14 PM, Meadows, Carrie
Vicenta <Meadows.CarrieVicenta@epa.gov> wrote:

The question of sales is coming up a lot. Apparently there is a unique issue with sales Mississippi that will need clarification.

Sent from my iPhone

On Jun 8, 2020, at 8:30 PM, Knorr,
Michele <knorr.michele@epa.gov>
wrote:

Consider creating a teams site where we can have a question and answer document loaded to the files function and that way anyone can access it. I can work with folks to create this if you'd like.

Michele Knorr
OGC
202-564-5631

On Jun 8, 2020, at 8:24 PM,
Dunn, Alexandra
<dunn.alexandra@epa.gov>
wrote:

Can we create a document with all the questions?
Michele's one drive worked awesome.

Alexandra Dapolito Dunn,
Esq.
Assistant Administrator
Office of Chemical Safety &
Pollution Prevention

U.S. Environmental
Protection Agency
Washington, DC

Sent from my iPhone

On Jun 8, 2020,
at 8:15 PM,
Keigwin, Richard
<Keigwin.Richard@epa.gov>
wrote:

So far, I have
received the
following Qs:

To achieve some
clarity we would
appreciate answers
to the following
questions:

1. If the retailer
has a
commercial
applicator
business, can
that
commercial
applicator
apply
product that
was in the
retail
warehouse as
of June 3,
2020?
2. If the retailer
has inventory
in stock that
had been

purchased by
a grower
prior to June
3, 2020, but
not yet
delivered,
can that
product be
applied by a
commercial
applicator? The
order
appears to
prohibit
delivery of
that product
to the
purchasing
grower.

Rick Keigwin
Director, Office of
Pesticide
Programs
U.S.
Environmental
Protection
Agency
Phone: 703-305-
7090
Website:
<http://www.epa.gov/pesticides>
Sent from my
iPhone (Please
excuse typos!)

On
Jun
8,
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